

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of order: 11.08.2000

O.A. No. 285/99

Muneshwar Singh son of Shri Kunji Singh about 50 years by caste Rajput, r/o. 259, Laxmi Nagar, Paota 'B' Road, Jodhpur (Rajasthan) : Presently working on the post of Junior Engineer in the Office of Executive Engineer, Jodhpur Central Division, C.P.W.D., Jodhpur (Rajasthan).

... Applicant.

v e r s u s

1. Union of India through the Secretary, Ministry of Urban Development, Nirman Bhawan, New Delhi.

2. Director General of Works, C.P.W.D., Nirman Bhawan, New Delhi.

Executive Engineer, Jodhpur Central Division, C.P.W.D., Jodhpur (Rajasthan).

... Respondents.

Mr. S.K. Malik, Counsel for the applicant.

Mr. Vineet Mathur, Counsel for the respondents.

CORAM:

Hon'ble Mr. A.K. Misra, Judicial Member

Hon'ble Mr. Gopal Singh, Administrative Member

: O R D E R ;

(Per Hon'ble Mr. Gopal Singh)

In this application under Section 19 of the Administrative Tribunals Act, 1985, applicant - Muneshwar Singh, has prayed for setting aside the impugned order dated 15.7.99 (Annexure A/1) and order dated 25.8.99 (Annexure A/2) and for a direction to the respondents to allow the applicant to draw pay in the scale which was fixed for him before passing of the impugned orders.

2. Applicant's case is that he was initially appointed on 05.5.72 on the post of Sectional Officer in Beas Project in the scale of Rs.200-450.

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This Scale was revised to Rs. 700-1200 on recommendation of 3rd Pay Commission. The applicant was rendered surplus in Beas Project with effect from 15.3.1985 and was redeployed in the Central Public Works Department with effect from 16.3.1985. The applicant was given due scale of pay as recommended by the 4th and 5th Pay Commissions. The applicant was finally allowed the scale of pay Rs. 2000-3500 with effect from 1.1.1991 and the applicant was paid as per the pay fixation. On the basis of the internal audit, it was held by the respondents that the applicant would be entitled to count his services for the purpose of benefits of higher scale after completion of 5 and 15 years of service from the date he joined the Central Public Works Department. Earlier, the applicant's service in Beas Project was also counted for the purpose of extending the benefit of higher scale. As has been mentioned above, on the basis of the internal audit objections, an overpayment of Rs. 34000/- was ordered to be recovered from the applicant. The representation made by the applicant having been rejected, the applicant has approached this Tribunal.



3. Notice was issued to the respondents and they have filed their reply.
4. We have heard the learned counsel for the parties.
5. The controversy involved in this case has already been settled by the Chandigarh Bench of the Central Administrative Tribunal in O.A. No. 739-CH of 1994 (R.D. Dhiman & Ors), decided on 29.11.1996. Relying on the decision of the Principal Bench of the C.A.T., on a similar case where the applicants had been given the relief of taking into account the past service rendered by them in the Beas Construction Project, the Chandigarh Bench of the Tribunal vide its order dated 29.11.96 directed the respondents to allow higher scales of pay according to the number of years they have put in both in the Beas Construction Project and later on in the Central Public Works Department.

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6. We do not find any strong reason to deviate from the stand taken by the Principal Bench and the Chandigarh Bench of the Central Administrative Tribunal. Accordingly, we pass following order:-

7. The O.A. is allowed. The impugned order dated 15.7.99 at Annexure A/1 and the order dated 25.8.99 at Annexure A/2 are set aside. The applicant would continue to draw the pay in the higher scale fixed for him before passing these impugned orders. No costs.

(Gopal Singh)

(GOPAL SINGH)

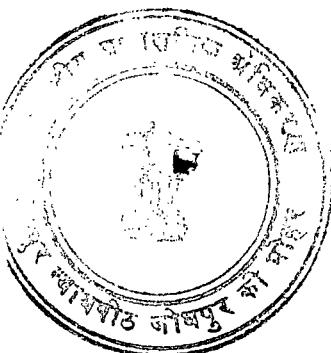
Adm. Member

31/11/01/20

(A.K. MISRA)

Judl. Member

cvr.



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(2nd)
(Muneswar Singh)
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Recd
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Part II and III destroyed
in my presence on ... 22-6-72
under the supervision of
section officer (J) as per
order dated 10-11-72

10-11-72
Section officer (Received)