

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH : JODHPUR

Date of order : 23.02.99.

O.A. No. 17/99

1. Fateh Singh son of Shri Angan Lalji aged about 56 years, r/o. C/o. Garrison Engineer (Army) No. II, Jodhpur, presently working on the post of Assistant Garrison Engineer (B/R) No. III (Army), Jodhpur.
2. Ram Sarup Sharma son of late Shri Naurata Ramji aged about 52 years, r/o. C/o. Garrison Engineer (Army) No. I, Jodhpur, presently working on the post of Assistant Garrison Engineer (E/M) No.I, Jodhpur.
3. J.D. Kwatra son of late Shri Trilok Chandji aged about 55 years r/o. c/o. Garrison Engineer (P), Jodhpur, presently working on the post of Assistant Garrison Engineer (E/M) (Proj), Jodhpur.
4. MP Singh son of late Shri Sher Singhji, aged about 55 years, r/o. c/o. Garrison Engineer (P), R&D, Jodhpur, presently working on the post of Assistant Garrison Engineer (B/R), Jodhpur.
5. SC Gupta son of late Shri SL Gupta, aged about 55 years, r/o. c/o. Assistant Garrison Engineer (I) R&D, Jodhpur, presently working on the post of Assistant Garrison Engineer (B/R), Jodhpur.
6. NK Pathak son of late Shri PL Pathak, aged about 57 years, r/o. c/o. Garrison Engineer (Army) No. I, Jodhpur, presently working on the post of Assistant Garrison Engineer (T), Jodhpur.
7. RC Garg son of late Shri Radha Kishan Garg aged about 54 years, r/o. c/o. Assistant Garrison Engineer (I) R&D, Jodhpur, presently working on the post of Assistant Garrison Engineer (E/M), Jodhpur.
8. Mahesh Chandra son of late Shri Shiv Kumar aged about 53 years, r/o. c/o. Garrison Engineer (Army) No. I, Jodhpur, presently working on the post of Assistant Garrison Engineer (B/R), Jodhpur.
9. BK Bhatnagar son of late Shri HS Bhatnagar aged about 57 years, r/o. c/o. Garrison Engineer (E/P) Jodhpur, presently working on the post of A.G.E (E/M), Jodhpur.

CJKM/RN

10. Babu Kurian son of late Shri PK Kurian aged about 37 years, r/o. c/o. Garrison Engineer (P), Jodhpur, presently working on the post of Assistant Garrison Engineer (B/R) No. I, Jodhpur.

11. AL Dakhani son of Shri LF Dakhani, aged about 41 years, r/o. c/o. Garrison Engineer (AF), Jodhpur, presently working on the post of Assistant Garrison Engineer (E/M), Jodhpur.

12. RK Gupta son of Shri Parshotham Nathji aged about 54 years, r/o. c/o. Garrison Engineer (AF), Jodhpur, presently working on the post of Assistant Garrison Engineer (B/R), Jodhpur.

13. RK Arora son of late Shri Mukhtyar Singhji aged about 55 years r/o. c/o. Garrison Engineer (AF), Jodhpur, presently working on the post of Assistant Garrison Engineer (E/M), Jodhpur.

14. MS Bhatia son of Shri Mohan Singhji aged about 54 years, r/o. c/o. Garrison Engineer (AF), Jodhpur, presently working on the post of Assistant Garrison Engineer (B/R), Jodhpur.

15. Prakash Agarwal son of Shri Ram Babu Agarwal aged about 39 years, r/o. c/o. Garrison Engineer (Army) No. I, Jodhpur, presently working on the post of Assistant Garrison Engineer (B/R), Jodhpur.

... Applicants.

versus

1. Union of India through the Secretary, Ministry of Defence, Raksha Bhawan, South Block, New Delhi - 110 001.

2. Engineer in Chief, Army Headquarters, Kashmir House, DHQ P.O., New Delhi - 110 001.

... Respondents.

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

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman.

Hon'ble Mr. Gopal Singh, Administrative Member.

O R D E R

(Per Hon'ble Mr. Gopal Krishna)

Gopal Krishna

Applicants, abovenamed, have filed this application under Section 19 of the Administrative Tribunals Act, 1985, mainly praying for a declaration that they are entitled to be placed in the same pay scale as that of the direct recruits working as Assistant Garrison Engineers in Group 'A' services.

2. We have heard the learned counsel for the applicants.

3. The grievance of the applicants is that treating the direct recruits as Assistant Garrison Engineer in Group 'A' services and the promotees as Assistant Garrison Engineer in Group 'B' services is arbitrary and violative of Articles 14 and 16 of the Constitution.

4. It must be mentioned here that the question of equivalence of post and equivalence of pay is a matter which lies within the domain of the Expert Committee, like Pay Commission. Since the applicants had already made a representation to the concerned authority vide Annexure A/8 dated 9.11.98, we dispose of the present application with the direction to the respondent No. 2 to take a decision on the representation through a detailed speaking order on merits within a period of six months from the date of receipt of a copy of this order.

5. Let a copy of the application and the annexures thereto be sent to the respondent No. 2 alongwith a copy of this order. The O.A. stands disposed of accordingly.

*Gopal Singh*  
( Gopal Singh )

Adm. Member

*Gopal Krishna*  
( Gopal Krishna )  
Vice Chairman

CVR.

Re  
D. S. D.  
24/2/99

Extra set of ~~the~~ OA  
Recd on 9/3/99

Cops of ~~the~~ order OA, m/s  
& portion of OA & m/s  
Sent to R/1 & R/2 by Regd  
Ad via 73 to 74

alt 9-3-99.

9/3/99

Part II and III destroyed  
in my presence on 28/6/99  
under the supervision of  
Section Officer (j) as per  
order dated 16/1/99

Section Officer (Record)