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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J O D H P U R
...

Date of Order : 13.12.2001

O.A.NO. 34/2001

1. Ashok Kumar S/o Shri Surendra Kaushik aged 38 years Electrician
R/o 76 B, Block, Sri Ganganagar.
2. Pradeep Kumar S/o Shri Somdutt aged 38 years, Electrician, R/o KP
A/8/2. Lalgarh Jattan, Sri Ganganagar (Elec. (SBA),

.....Applicants.

versus

1. Union of India through the Secretary to the Govt., Ministry of
Defence, Raksha Bhawan, New Delhi.
2. Commander Works Engineer, Sriganganagar.

.....Respondents.

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CORAM :

Hon'ble Mr. Justice O.P.Garg, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

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Mr. Vijay Mehta, Counsel for the applicants.

Mr. S.K.Vyas, Counsel for the respondents.

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PER HON'BLE MR.GOPAL SINGH :

The Application has been filed under Section 19 of the Administrative Tribunals Act, 1985, praying for a direction to the respondents to allow the scale of Rs. 950-1500 to the applicants from the date of their initial appointment with all consequential benefits.

2. Applicants' case is that they were initially appointed in the year 1987 by the respondent-department on the post of SBA and Wireman which are skilled posts. All the applicants are presently working in the highly skilled grade. It is the contention of the applicants that at the time of their appointment in the year 1987 semi skilled scale of Rs. 800-

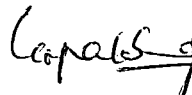


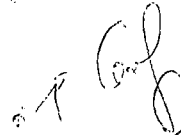
1150 was not prevalent in the Department, but they were appointed in the said scale on the skilled posts. The pay scale of the skilled posts prevalent at the relevant time was Rs. 950-1500. Accordingly, the applicants have prayed for allowing them the scale of Rs. 950-1500 from the date of their initial appointment. Having failed to get their grievances redressed from the respondents, the applicants have approached this Tribunal through the present O.A.

3. Notices were issued to the respondents and they have filed their reply. The learned counsel for the respondents Shri S.K.Vyas, vehemently opposed the contentions urged by the applicants.

4. The controversy in hand has been examined in detail by this Tribunal in O.A. No. 79 of 1992, O.A. No. 206 of 1995 and O.A. No. 324 of 1995 and the contention of the applicants for fixation of their salary in the scale of Rs. 950-1500 from the date of their appointment has been upheld. We would not like to repeat the reasons recorded in O.A. Nos. 79/92, 206/95 and 324/95 for upholding the contentions of the applicants therein. Suffice it to say that modification sought in the Recruitment Rules vide Government of India Orders dated 15.10.1984 and 11.1.1985, were incorporated in the Recruitment Rules only in 1991 whereas, the applicants were appointed to the said posts in the year 1987. As such, the modifications suggested in the Government Orders dated 15.10.1984 and 11.1.1985, would not apply to the applicants.

5. In the circumstances, the Original Application is allowed with a direction to the respondents that the applicants should be fixed in the pay scale of Rs. 950-1500 from the date of their initial appointment within a period of three months from the date of receipt of a copy of this order. No orders as to cost.


(Gopal Singh)
Adm. Member


(Justice O.P. Garg)
Vice Chairman

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Part II and III destroyed
in my presence on 28-5-07
under the supervision of
section officer (1) as per
order dated 13/3/07

NGN
Section officer (Records)