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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR

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Date of Order : 14.3.2002.

O.A.NO. 92 OF 2001

Arjun Singh Gehlot S/o Shri Ram Lal Gehlot by caste Gehlot, aged about 46 years, working as Junior Engineer, in the office of Central Ground Water Board, Division XI, Resident of Chitrawata Bera Via Mandore, Jodhpur.

.....Applicant.

VERSUS

1. Union of India through Secretary, Ministry of Water Resources, New Delhi.
2. The Director (Adm), Ministry of Resources, Headquarter Office, Central Ground Water Board, N.H. IV, Faridabad, Haryana.
3. The Executive Engineer, Central Ground Water Board, Division XI 22 (2) Heavy Industrial Area, Near Jodhpur Dairy, Jodhpur.

.....Respondents.

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PRESENT :

Mr. Y.K.Sharma, Counsel for the applicant.

Mr. Kuldeep Mathur, Advocate Brief Holder for  
Mr. Ravi Bhansali, Counsel for the respondents.

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CORAM :

Hon'ble Mr. Gopal Singh, Administrative Member

Hon'ble Mr. J.K.Kaushik, Judicial Member

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ORDER  
(Per Hon'ble Mr.Gopal Singh)

In this Application under section 19 of the Administrative Tribunals Act, 1985, applicant, Arjun Singh Gehlot, has prayed for quashing the impugned order dated 20.2.2001 (Annex.A/1) with all consequential benefits including the refund of recoveries.

*Gopal Singh*


2. Applicant's case is that he is entitled to fixation in the higher pay scale on completion of five years service in the scale Rs. 1640-2900. The applicant had approached this Tribunal earlier in O.A.No. 142/1998 decided on 1.10.1999 which was allowed and the respondents were directed that the benefits in terms of the order passed by the Bangalore Bench as also in terms of the Government of India's Instructions dated 22.3.1991, be extended to the applicant. This order of the Tribunal was upheld by Hon'ble the Rajasthan High Court in D.B.C.Writ Petition No. 3423 of 2001 vide order dated 4.9.2001. The respondents now contend that the Government order dated 22.3.1991 provides for grant of higher scale on completion of five years service w.e.f. 1.1.1986 and it is the interpretation of the respondents that the period of five years will be counted from 1.1.1986 onwards. This interpretation of the respondents is not sustainable. The correct interpretation of this circular is that a person who has completed five years service, would be placed in the higher pay scale of Rs. 1640-2900 w.e.f. 1.1.1986 or thereafter. In this view of the matter, the stand taken by the respondents is not tenable. Accordingly, the applicant becomes entitled for placement in the higher pay scale on completion of five years service w.e.f. 1.1.1986 or from the date he completes five years service counting from the date of joining the respondent department. The applicant had joined the service in the respondent department on 30.7.1985 and, therefore, he will be entitled to placement in the higher pay scale on completion of five years w.e.f. 31.7.1990. Accordingly, we pass the order as under :-

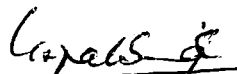
"The O.A. is allowed and the order Annex. A/1 dated 20.2.2001 is quashed and set aside. The respondents

*Carpaus*

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are directed to fix the pay of the applicant in the higher pay scale of Rs. 1640-2900 w.e.f. 31.7.1990 within a period of three months from the date of receipt of a copy of this order. No costs."

  
(J.K. Kaushik)  
Member (J)

  
(Gopal Singh)  
Member (A)

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Part II and III destroyed  
In my presence on .....  
under the supervision of  
section officer ( ) as per  
order dated .....

Section officer (Record)

Part II and III destroyed  
In my presence on 9.2.09  
under the supervision of  
section officer as per  
order dated 14.5.09

Section officer (Record)