

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR.

Date of Order : 17.09.2002

O.A. No. 163/2001.

1. Jasveer Singh s/o Shri Baldeo Singh, aged 33 years, Valveman, r/o 165, Govt. Labour Colony, Sri Ganganagar.
2. Subhash Chandra s/o Shri Jai Lal, aged 30 years, Valveman, r/o Khywaliwalon Gaon, District Sri Ganganagar.
3. Balbeer Singh s/o Shri Puran Singh, aged 35 years, Valveman r/o 12 ML Sri Ganganagar, all working on the post of Valveman in the office of Garrison Engineer, Lalgarh Jattan, District Sri Ganganagar.

... APPLICANTS.

versus

1. Union of India through the Secretary to the Govt. Ministry of Defence, Raksha Bhawan, New Delhi.
2. Commandar Works Engineer, Sri Ganganagar.
3. Headquarters, Western Command, Engineering Branch, Chandigarh.

... RESPONDENTS.

Shri Vijay Mehta, counsel for the applicants.
Shri S. K. Vyas, counsel for the respondents.

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Hon'ble Mr. Gopal Singh, Administrative Member.
Hon'ble Mr. J. K. Kaushik, Judicial Member.

ORDER :
(per Hon'ble Mr. Gopal Singh)

In this application filed under Section 19 of the Administrative Tribunals Act, 1985, applicants have prayed for quashing the impugned order dated 14.02.2001 (Annexure A-1) and order dated 17.01.2001 (Annexure A-2) and further for a direction to the respondents to pay salary to the applicants in the pay scale of Skilled grade from the date of their promotion to the post of Valveman and consequently, revise the fixation with all consequential benefits.

Gopal Singh

2. Applicants case is that they were appointed on the post of Valveman in the year 1987 after due selection. Applicants are presently working under Garrison Engineer, Lalgarh, Jattan. It is the contention of the applicants that though they were appointed on the skilled post, they are being given salary in the pay scale of unskilled post. It is also submitted by the applicants that the similarly situated valvemans have been granted the pay scale of skilled post, effective from their initial date of appointment as Valveman in compliance to the Tribunal's order in OAs filed by those Valvemans.

3. Notices were issued to the respondents and they have denied the case of the applicants. It is averred by the respondents that the applicants are entitled for semi-skilled grade as per the provisions contained in the Ministry of Defence letter dated 16th October, 1981 and letter dated 24th January, 1987. It has, therefore, been submitted by the respondents that the application is devoid of any merit and is liable to be dismissed. The learned counsel for the respondents has brought to our notice, order dated 11th April, 2002, passed in OA No. 206/2001 in support of his contention.

4. We have heard the learned counsel for the parties and perused the record of the case carefully.

5. The controversy in hand has been examined in detail by this Tribunal in OA No. 79/1992, OA No. 206/1995 and OA No. 324/1995 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 OAs No. 79/92, 206/95 and 324/95 for upholding the contentions

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of the applicants herein. Suffice it to say that modification sought in the Recruitment Rules vide Government of India orders dated 15th October, 1984 and 11th January 1985, were incorporated in the Recruitment Rules only in 1991 whereas, the applicants were promoted to the respective posts during the year 1987 and 1988. As such, the modifications suggested in the Government orders dated 15th October, 1984 and 11th January, 1985 would not apply to the applicants.

6. The learned counsel for the respondents has relied upon the judgement of this Tribunal dated 11th April, 2002 passed in OA No. 206 of 2001 to stress the point that the applicants are entitled to the scale of Rs. 800-1150 relevant to the un-skilled post on their appointment as Valveman. We have carefully gone through this order. It is pointed out that the applicants' therein, were appointed as Valve-man in the semi-skilled category in the year 1996 under the Recruitment Rules of the year 1991, therefore, they are not entitled to any benefit of the skilled grade. In the earlier orders passed in OA No. 79/92, 206/95 and 324/95, this Tribunal had extended the benefit of the pay scale of Rs. 950-1500 to the applicants of those OAs because they were appointed as such prior to introduction of the Recruitment Rules of 1991 holding that the Recruitment Rules of 1991 would not be made applicable to them retrospectively. Thus, the contention of the respondents that the case of the applicants is covered by order dated 11th April, 2002 passed in OA No. 206/2001, is not tenable.

7. The learned counsel for the applicants also brought to our notice that a writ Petition was filed against one

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of the judgement of this Tribunal in OA No. 206/95-
Mahendra Kumar & Others versus Union of India & Others
(Supra). Hon'ble the High Court has upheld the same
vide judgement and order dated 16th March, 2000 in D.B.
(Civil) Writ Petition No. 1391/1999. Against the said
judgement of Hon'ble the Rajasthan High Court, a Special
Leave Petition No. 3948/2000 was filed before Hon'ble the
Supreme Court and the same has been dismissed vide order
dated 24th September, 2001. Thus, the judgement of
this Tribunal in an identical case has attained finality.

8. In the light of above discussion, we are firmly
of the view that the OA deserves to be allowed. Accordingly
we pass the order as under : -

" The Original Application is allowed. The
respondents are directed to grant pay scale of
Rs. 260-400/950-1500 to the applicants from
their initial date of appointment as Valveman,
within a period of three months from the date of
receipt of a copy of this order. No order as
to costs."

J. K. KAUSHIK
(J. K. KAUSHIK)

Judicial Member

Gopal Singh
(GOPAL SINGH)
Administrative Member

Joshi