

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

.....  
Date of Order : 11.12.2001

O.A.NO. 36 OF 2001

1. Bharat Kumar S.o Shri Anand Ballabh R/o Bhagwanpura Industrial Area, Rani Bazar, Bikaner, FGM HS I aged 36 years.
2. Laxmi Narayan S/o Shri Ram Lal aged 35 years R/o Vill. & Post Bhinasar District Bikaner, working as FGM HS-I.
3. Surendra Singh S/o Shri Sukhdeo Singh aged 37 years, R/o 4D 32, Pawanpuri, Bikaner, working as FGM (HSK).
4. R.P.Bishnoi S/o Shri Bhagravat Ram aged 51 years, FGM HSII R/o Vill. & Post Bad, Distt. Bikaner.
5. Bajrang Lal S/o Shri Bagchand aged 32 years, Elec. HS II R/o Out - side Bidasar Bari, Bikaner.,
6. Sohan Lal S/o Shri Daluram Hattla aged 40 years, Elec. HS II R/o Outside Pabu Bari, Bikaner.
7. Ashok Kumar S/o Shri Laxmandas Maru aged 35 years, Wireman Elec (SK) R/o Marunayakji Ka Chowk, Bikaner.
8. Davinder Kumar S/o Shri Ramjilal Sharma aged 36 years, Elec. (SK) R/o Toliasar, Bhairuji Ka Gali, Bikaner.
9. Dapander Kumar S/o Shri Hanuman Prasad aged 37 years, Elec (SK) R/o Ranisar Bas, Bikaner.
10. Bholanath S/o Shri Goverdhandas, Elec. (SK) aged 36 years R/o H. No. 1/196, MP Colony, Bikaner.
11. Roop Chand S/o Shri Badrinarayan aged 36 years, Elec (SK) R/o Near Hari Ramji Temple, Bikaner.
12. Daniel G. Varghese S/o Shri Indiculla aged 35 years, Ref. Mech. HS II R/o B-66, Sadul Ganj, Bikaner.
13. Karmendra Singh S/o Shri Jagdish Singh aged 38 years, Refg. Mech (SK) R/o Bassai House, Bikaner.
14. Davinder Kumar S/o Shri Karni Dan aged 36 years, P. Fitter R/o Near Hari Pandey Floor Mills, Bikaner.
15. Laxmichand S/o Shri Dhannaram aged 38 years P. Fitter R/o Near Ramdeo Mandir, Bikaner.
16. Ramesh Kumar S/o Shri Birmaran aged 41 years, Plumber R/o Garsariyan Ka Mohalla, Bikaner.
17. Laxman Panwar S/o Shri Mani Ram aged 37 years, Plumber R/o Behind Rampuria College, Bikaner.

- DJS
18. Jhanwar Lal S/o Shri Magaram aged 38 years, Regar Mohalla, Bhinasar District Bikaner.
  19. Sampat Lal S/o Shri Modaram aged 33 years, FGM HS-II, R/o Near LK Agencies, GS Road, Bikaner.
  20. Gheesulal Tak S/o Shri Mohanlal aged 36 years, Blacksmith R/o Vill. & Post Nal Badi, Bikaner.
  21. Daulat Ram S/o Shri Ram Das aged 38 years, Mason, R/o Sarvodaya Basti, Bikaner.

All working under G.E., Nal, Bikaner, who is under respondent No. 2.

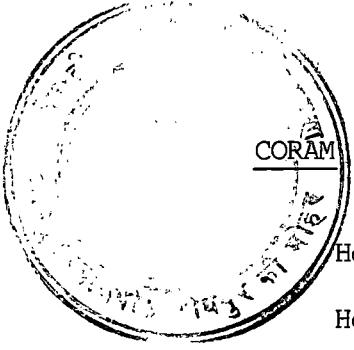
.....APPLICANTS

versus

1. Union of India through the Secretary to the Government, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Commandar Works Engineer (AF), Bikaner.

.....RESPONDENTS

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 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. Vinit Mathur, Counsel for the respondents.

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Per Hon'ble Mr. Gopal Singh, Administrative Member :

This 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 and 1988 by the respondent-department on various skilled posts,



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like, M.P.P., Fitter, Pipe Fitter, Engine Fitter, Cabinet Maker, Carpenter, Lineman, Wireman, P.H.Q., Plumber and S.B.A. etc. 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 during the years 1987 and 1988 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.



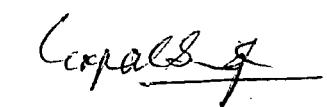
3. Notices were issued to the respondents and they have filed their reply. The learned counsel for the respondents Shri Vinit Mathur vehemently opposed the contentions urged by the applicants.

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 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.

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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.

6. The parties are left to bear their own costs.

  
(Gopal Singh)

Adm. Member

jrm

  
(Justice O.P.Garg)

Vice Chairman

R/copy  
M  
20/12

Part II and III destroyed  
in my presence on 28-5-02  
under the supervision of  
section officer ( ) as per  
order dated 13/3/02

M. N. M.  
Section officer (Record)

Amrit Singh  
20/12/02