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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 271/2003
Date of Decision : this the 27 th day of August, 2004.

Hon'ble Mr. G.R. Patwardhan, Administrative Member

1. Nathu Ram S/o Shri Surja Ram aged 47 years, Electrician HS I.
2. Purakh Chand S/o Shri Ramu Ram aged 51 years, Electrician HS I.
3. Binod Kumar S/o Shri Yogendra Jha aged 44 years,, Electrician HS I.
4. Ram Naresh Singh S/o Shri Sarju Singh aged 45 years, Electrician, HS I.
5. Deep Chand S/o Shri Hazari Mal aged 38 years, FGM HS I
6. Rajendra Singh Rathore S/o Shri Ram Singh aged 44 years, FGM HS I
7. Ram Singh S/o Shri Moti Singh aged 49 years, FGM HS I
8. Kunj Behari S/o Shri Mool Das aged 48 years, FGM I
9. Prem Shanker S/o Dr. P. Sharma aged 39 years, FGM HS I
10. Vasaf Ali S/o Shri Sikander Khan aged 40 years, FGM HS I
11. Jugal Kishore S/o Shri Gauri Shanker aged 55 years, Veh. Mech. HS I
12. Ram Kishan S/o Shri Mangi Lal aged 43 years, FGM HS I
13. Chhagan Lal S/o Shri Babu Lal aged 42 years, FGM I
14. Sanjay Hooja s/o Shri Krishan Lal aged 39 years, FGM HS I
15. Radhe Shyam S/o Shri Shiv Narain aged 39 years, FGM HS I



16. Mohan Lal Meena S/o Shri Munga Ram aged 42 years, FGM HS I
17. Parmatma Swaroop Singh S/o Shri Satya Narayan aged 36 years, FGM HS I
18. Om Singh S/o Shri Bhopal Singh aged 49 years, FGM HS I
19. Satya Prakash Tanwar S/o Shri Sita Ram aged 39 years, FGM HS I
20. Dharmender Kumar Saxena S/o Sh. Kailash Narayan aged 38 years, FGM HS I
21. Surender Kumar Tulyani S/o Shri Narayan Das aged 38 years, FGM HS I
22. Mohammed Rafiq S/o Shri Gulam Rasool aged 39 years, FGM HS I
23. Ayub Ali S/o Shri Mohammed Deen aged 38 years, FGM HS I

Applicant No. 1 to 11 presently working under Garrison Engineer (North), MES, Bikaner and Applicant No. 12 to 23 working under the Garrison Engineer (South), MES, Bikaner.
Address of all the applicants : C/o Sh. Ayub Ali Sangam Restaurant, Railway Gate, Chokhuntee Bikaner.

.....Applicants

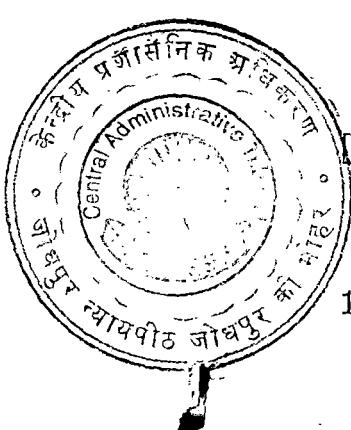
[By Mr. Vijay Mehta, Advocate, for applicants]

Versus

1. Union of India through the Secretary Ministry of Defence, Raksha Bhawan, New Delhi.
2. Garrison Engineer (North) MES, Bikaner.
3. Garrison Engineer (South), MES Bikaner.

.....Respondents.

[By Mr. Kuldeep Mathur, Advocate, for respondents]



ORDER
[BY THE COURT]

In this O.A. there are in all twenty three applicants who have jointly challenged order dated 14.10.2003 of the respondents i.e. Union of India through the Secretary, Ministry of Defence, New Delhi, Garrison Engineer, [North] Military Engineering Service, Bikaner and Garrison Engineer [South], Military Engineering Service, Bikaner, placed at Annex. A/1. Simply stated it is the case of the applicants that while posted as Electrician, FGM etc. in the grade of Highly Skilled (H.S.) - II, they were called to sit in some Trade Test for promotion to grade H.S.- I, they passed the test, whereafter, the applicants were promoted some time in January 2000 and having variously opted for pay fixation, orders were passed in April and May 2003 vide Annex. A/5 and A/6. The applicants seem to have received even arrears of pay etc. but ^{were} surprised to get the impugned order whereby, the earlier orders of pay fixation were cancelled and directions issued to recover the excess amount. In some cases, it seems that recoveries ^{have} also been made. When the O.A. was taken up on 18.11.2003, the Tribunal gave an ad interim order to the effect that during its pendency no recovery on the basis of Annex. A/1, shall be made.

2. Reply has been filed on behalf of respondents by Mr. K.S. Yadav working as Garrison Engineer (North), Bikaner. Essentially it mentions that they have gone strictly as per the directions contained in a letter of Ministry of Defence dated 20.5.2003 and placed at Annex. A/9 whereby, detailed instructions were



issued by the Ministry regarding restructuring of the cadre of Artisan staff in defence establishment.

3. The learned counsel of both the parties have been heard.

4. It is apparent that some financial benefit has been enjoyed by the applicants under the orders of their superiors and that benefit is now proposed to be disturbed. In fairness, it must be held that before adversely affecting their interest, it would have been appropriate to give notice of the same to the large number of applicants. The issue concerns not only fixation of pay but restructuring of the cadres and therefore, it would be appropriate if the same is considered in detail by the respondents after affording an opportunity to the applicants to put up their case.

5. In the result, the application is disposed of with a direction to the respondents (i) to treat this O.A. as a representation of the applicants, (ii) to give them a chance to place their case in a representative capacity so that all of them are not made to take leave and undertake the journey, (iii) pass a reasoned and speaking order within 90 days of receipt of a copy of this order and (iv) Communicate the same within another thirty days to applicants.

6. During this period, no recovery shall be made from the salary bills of the applicants on the basis of revised pay that has been fixed and which is under challenge. However, the

respondents are at liberty to pay the salary at revised rates for the present.

7. Applicants are at liberty to agitate the matter again if so advised after receipt of the order mentioned in para 5.

Sone
[G.R.Patwardhan]
Administrative Member

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3/18/04

RLC
Bent KM
31904
for - Kusdeep mother,
Ahu.