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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 272/2003
Date of Decision : this the 27th day of August, 2004.

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

1. Bharat Kumar Pant S/o Sh.Anand Ballabh aged 39 years,
2. Laxmi Narain Sharma S/o Sh. Ramji Lal aged 40 years,
3. Janak Raj Sharma S/o Shri Mela Ram aged 44 years,
4. Sampat Lal S/o Shri Moda Ram aged 42 years,
5. Jeet Mal Swami S/o Shri Ganesh Das aged 46 years,
6. Chhagan Lal Sharma S/o Sh.Baij Nath aged 45 years,
7. Kishna Ram S/o Shri Alphu Ram aged 45 years,

All applicants working on the post of FGM HS I under Garrison Engineer (Air Force), Nal, Bikaner. Address of all the applicants : C/o Shri Janak Raj Sharma G-106 Indira Colony, Near Shekhawati STD, 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 (Air Force) Bikaner.

....Respondents.

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



ORDER
[BY THE COURT]

In this O.A. there are in all seven applicants who have jointly challenged order dated 3.11.2003 of the respondents i.e. Union of India through the Secretary, Ministry of Defence, New Delhi and Garrison Engineer, [Air Force] Bikaner placed at Annex. A/1. Simply stated it is the case of the applicants that while posted as FGM 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 vide Annex. A/4 dated 13.1.2003. The applicants seem to have received even arrears of pay etc. but were surprised to get the impugned order dated 3.11.2003 whereby, the earlier orders of pay fixation were cancelled and directions issued to recover the excess amount. In some cases, it seems that recoveries has also been made. When the O.A. was taken up on 18.11.2003, the Tribunal gave an ad interim order directing that 'meanwhile no recovery on the basis of Annexure A/1 will be effected'.



2. Reply has been filed on behalf of respondents by Mr. S.K. Sharma, working as Garrison Engineer (AF), 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/6 whereby, detailed instructions were issued

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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 the applicants under the orders of their superiors have enjoyed some financial benefit 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



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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.

G.R. Patwardhan]
Administrative Member

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~~Received
Star
21/8/04~~

R/C
Suniti Kaur
319/04
For Kuldeep mother
Add.