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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

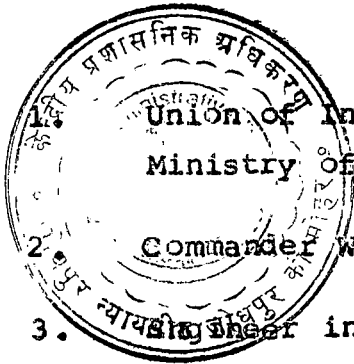
O.A. No.: 170/2002

Date of Order: 09.12.2002

Krishan Gopal Son of Shri Diwan Chand, aged 42 years,
R/o ward No. 28, Near Pipal Chowk, Suratgarh, District
Shriganganagar, Valveman in the Office of Garrison
Engineer, (Air Force), Suratgarh, District Shri Ganganagar.

...APPLICANT.

V E R S U S



Union of India, through the Secretary to Government,
Ministry of Defence, Raksha Bhawan, New Delhi.

Commander Works Engineer (Air Force) Bikaner.

3. Chief in Chief, Army Head Quarters, New Delhi.

4. Garrison Engineer (Air Force) Suratgarh, District
Shri Ganganagar.

...RESPONDENTS.

Mr. Vijay Mehta, counsel for the applicant.

Mr. Vinit Mathur, counsel for the respondents.

CORAM:

HON'BLE MR. A.P. NAGRATH, ADMINISTRATIVE MEMBER.

HON'BLE MR. J.K. KAUSHIK, JUDICIAL MEMBER.

: O R D E R :

BY THE COURT:

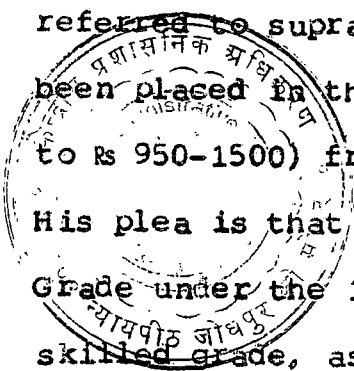
Heard the learned counsel for the parties.

2. It is admitted on either side that the case of the
applicant is on all fours with the matter brought before
this Tribunal in O.As. No. 395/96, 109/97 and 258/2001

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decided i.e. on 13.09.1999, 22.07.1999 and 21.03.2002, respectively. Copies of the orders/judgements in these cases are annexed to the O.A. as Annexure A/2, A/3 and A/4.

3. Stated in brief, the case of the applicant is that he was appointed as a Valveman in the grade of Rs 210-290 (later revised to grade of Rs 800-1150), on 18.01.1978, he has claimed that similar to the applicants in the O.As. referred to supra, he should have been considered as having been placed in the pay scale of Rs 260-400 (later revised to Rs 950-1500) from the date of his initial appointment. His plea is that he had been appointed to the Skilled Grade under the 1971 recruitment rules and not the semi skilled grade, as has been made out by the respondents.



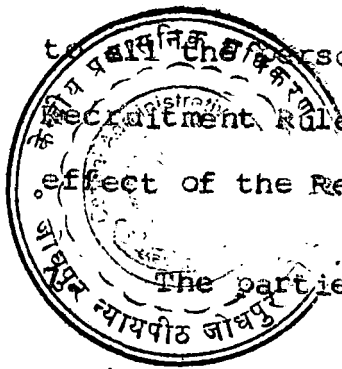
4. However, the learned counsel for the respondents vehemently argued that the matter relating to pay fixation of the category of Valveman, to which the applicant belongs, needs to be examined afresh by this Hon'ble Bench as it was specifically made clear to the applicant at the time of appointment that he was being appointed only in the then Semi Skilled Grade of Rs 210-290.

5. We have carefully perused the judgements in the O.As. which have been referred to supra and relied upon by the applicant in support of his claim. We find that in these O.As. a reference had been made to the earlier decision of this Tribunal in O.A. No. 72/92, O.A. No. 206/95 and O.A. No. 324/95 and agreeing with the earlier decisions it was held that the Valvemen, ~~who~~ recruited prior to the recruitment

rules of 1991 were in fact recruited only in skill grade and were entitled to their pay fixation in the scale of Rs 950-1500. Having gone through the reasons which led the Tribunal in upholding the contentions of the applicants in all these O.As., referred to supra, we do not find any reason to hold a different view. We were informed by the learned counsel for the applicant that orders passed in O.As. No. 79/92, 206/95, 324/95 and 109/97 were challenged by the respondents by filing writ petitions in the Rajasthan High Court but these were dismissed. The respondents further challenged the orders passed in O.A. No. 206/95 by filing SLP but the Hon'ble Supreme Court dismissed the same on 24.09.2001 . Since the applicant was initially appointed in the year 1978 we are of the considered view that he is fully entitled to the same benefit as granted to the applicants in the O.As. mentioned earlier. As a matter of fact, once the issue in controversy stands resolved and a legal position clearly established it is expected of the department to extend the same benefit to all the employees similarly placed. This would obviate the need for every individual to rush to the Tribunal/Courts to seek the same relief.

6. In the light of discussions aforesaid, we hold that the applicant is entitled to the pay scale of Rs 260-400 (as revised 950-1500) from the date of his initial appointment. The applicant shall also be entitled to all consequential benefits. However, the payment of arrears shall be restricted to the period of three years prior to the date of filing of this O.A. The respondents are directed to comply with this order within a period of three months from the date of receipt of a copy of this order.

We also direct the respondents to extend similar relief to all the persons appointed as Valveman under the Recruitment Rules of 1971 and before coming into the effect of the Recruitment Rules of 1991 .



The parties are left to bear their own costs.

J.K. Kaushik
 (J.K. KAUSHIK)
 Judl. Member

A.P. Nagrath
 (A.P. NAGRATH)
 Adm. Member

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Kumawat