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**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR.**

ORIGINAL APPLICATION NO. 75/2005

DATE OF ORDER: 07.09.2006

CORAM

**THE HON'BLE MR. KULDIP SINGH, VICE CHAIRMAN.
THE HON'BLE MR. J.P. SHUKLA, ADMINISTRATIVE MEMBER.**

Ishwardayal S/o Sh. Bhagirath Ji, aged about 35 years, working as up-holster, under Garrison Engineer (Army), Bikaner, Resident of Behind Bheru Singh Haweli, Bikaner.

...Applicant.

V E R S U S

Union of India through:

1. The Secretary to Government,
Ministry of Defence,
Raksha Bhawan,
New Delhi.
2. The Garrison Engineer (Air Force) NAL, Bikaner.
3. Commander Works Engineer (Air Force), Bikaner.

...Respondents.

Mr. Y.K. Sharma, counsel for the applicant.
Mr. Safi Mohd., proxy counsel for
Smt. K. Parveen, counsel for the respondents.

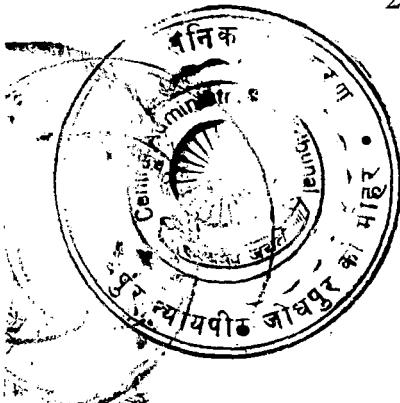
ORDER (Oral)

Heard learned counsel for the parties.

2. The applicant has filed this Original Application seeking the following relief:

" a) That by an appropriate writ direction or orders the respondents may kindly be directed to pay the applicant's salary in the pay scale of Rs. 950-1500 and further revised from time to time from the date of his initial appointment and consequently, to revise fixation with all consequential benefits along with interest @ 12% per annum."

3. The brief facts of the case are that the applicant was initially appointed to the post of Up-holster and was



[Signature]

declared Semi-skilled category. His pay was fixed in the pay scale of Rs. 800-1500 i.e. in semi-skilled grade. But in fact, it was a post which should have been taken as skilled category artisan. The applicant has also been discharging his duties on the said skilled category post. So the applicant is entitled to be placed in the pay scale of Rs. 950-1500, which is meant for skilled category. It is further alleged that many employees working under the respondent-department, filed various Applications before this Bench of the Tribunal, whereby they submitted that though they were appointed in the years 1987 and 1988 on skilled posts, but the respondents had given them the semi-skilled pay scale of Rs. 800-1150 though they were entitled to get pay scale of Rs. 950-1500. Two such Original Application Nos. 109/1997 and 36/2001 were allowed by this Bench of the Tribunal vide orders dated 22.07.1999 & 11.12.2001 respectively, with a direction to the respondents that the applicants therein should be fixed in the pay scale of Rs. 950-1500 from the date of their initial appointment, being skilled category. It is further stated that against these orders, writ petitions had also been filed by the Union of India before the Hon'ble High Court of Rajasthan which were dismissed.

4. The respondents also agree that the employees who were appointed to various posts such as MPA, Fitter, Pipe Fitter, Engine Fitter, Cabinet Maker, Carpenter, Lineman, Wireman, P.H.O., Plumber and S.B.A etc. including the post of

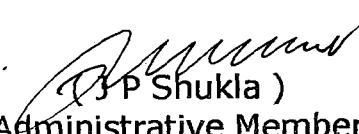


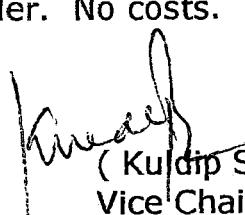
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Up-holster have now been declared as skilled category posts. Thus, we find that on the basis of the decisions rendered earlier by this Bench of the Tribunal, the applicant is entitled to the pay scale of Rs.950-1500 meant for skilled category worker and consequently he is also entitled to be fixed in the said pay scale from the date of his initial appointment. Today, three other connected O.As were also listed including O.A.No.76/2006 (Rajesh Kumar Vs. Union of India & Others), which is in regard to claim of category of Upholster in which learned counsel for the respondents made a statement that the department has granted the relief to applicant in that O.A. and as such the said O.A. has become infructuous. In view of this, it is not in dispute that even the category of Upholster has also been extended the benefit of scale of Skilled Category from the date of initial appointment.

5. In view of the above discussion, this Original Application stands allowed with a direction to the respondents to fix the applicant in the pay scale of Rs. 950-1500 from the date of his initial appointment within a period of three months from the date of receipt of a copy of this order. No costs.


(J P Shukla)
Administrative Member


(Kuldeep Singh)
Vice Chairman

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Re

Done
14/9

Part II and III destroyed
in my presence on 11/4/14
under the supervision of
section officer () as per
order dated 31.03.14.

Section officer (Record)