

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

ORIGINAL APPLICATION NO. 213/2006

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M.A. No. 110/2006

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M.A. No. 75/2007

Date of Order: 10.02.2010

**HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER
HON'BLE MR. V.K. KAPOOR, ADMINISTRATIVE MEMBER**

1. **Changi Ram son of Sh. Shanker Lal**
2. **Vijay Lal son of Sh. Ayodhya Lal**
3. **Umaid Singh son of Sh. Magh Singh**
4. **Hari Singh son of Sh. Skanker Singh**
5. **Devi Lal son of Sh. Chunni Lal**

(All applicants working on the post of Fitter Pipe in the O/o Garrison Engineer, MES, Lalgarh Jattan, R/o C/o Chandgi Ram, MES Colony Lalgarh Jattan, District Ganganagar).

....Applicants

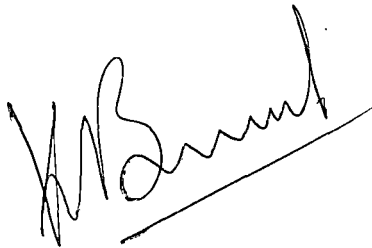
Mr. Vijay Mehta, counsel for applicant.

VERSUS

1. Union of India through the Secretary to Government, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Commaner Works Engineer, MES Army, Shri Ganganagar.

....Respondents.

Mr. Kuldeep Mathur, Counsel for respondents.



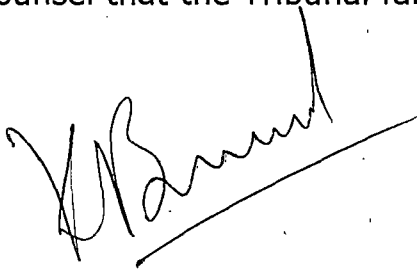
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ORDER (Oral)

(Per Hon'ble Dr. K.B. Suresh, Judicial Member)

After discussion at the Bar, we find that some connected matters were disposed of by this Tribunal and one particular was brought to our notice which is O.A. No. 207/2007, which was disposed of on 8.12.2008. This decision follows other cases. Writ Petition No. 6848/2003 was filed against that decision before the Hon'ble High Court of Rajasthan and vide its decision dated 16.12.2003. The Hon'ble High Court has dismissed the challenge against that order while observing as under:-

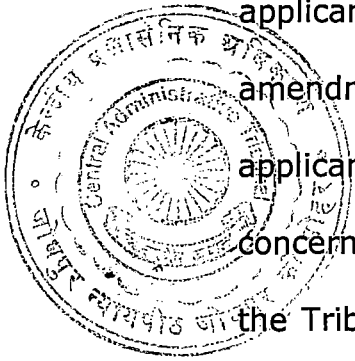
(The Tribunal having found that the respondent herein was appointed prior to introduction of new Recruitment Rules, 1991, followed its decision in Original Application No. 206/1995 and confirmed by the Division Bench judgment of this Court dated 16.3.2000 in D.B. Civil Writ Petition No. 1391/199 and had allowed the Original Application and granted relief. It further appears that the Special Leave Petition filed against the decision of the Division Bench of this Court has rejected by the Hon'ble Apex Court as far back as on 24.09.2001 (Special Leave Petition No. 3948/2000). It is submitted by the learned counsel that the Tribunal failed to consider that the respondent herein;



Satya Singh has been given pay scale for semi skilled post as per the provisions contained in the Ministry of Defence letter dated 16.10.1981. The letter clearly shows that the respondent therein was only entitled to semi skilled post as the Post Valveman is a semi skilled post. This aspect has been considered by the Tribunal in its earlier decision which has been confirmed by this Court and the Apex Court.

No interference is warranted in the order of the Tribunal. The Writ Petition stands dismissed."

2. Therefore in all the cases the undisputed fact is that the present applicant was appointed as Valveman on a date prior to the amendment of Recruitment Rules in 1991. He is similarly placed with applicant in O.A. No. 395/1996, 170/2002 and 318/2001. The concerned case of the applicant in all those O.As for the decision of the Tribunal was that they were entitled to the pay scale of Rs. 260-400/- and its replacement scales from time to time, from the date of their initial appointment. However, the arrears were restricted for a period of three years prior to the date of filing of the O.A., it is noticed from the order dated 09.12.2002, the Bench has observed that 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 which would obviate the



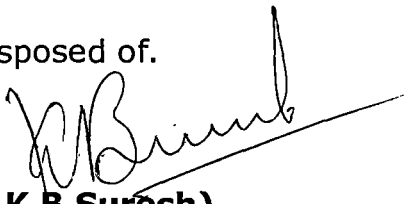
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need for every individual to rush to the Tribunal or Courts to seek the same relief. We therefore do not find reason to deviate from the aforesaid orders of the Tribunal which have been affirmed by the Hon'ble High Court of Rajasthan and the Hon'ble Supreme Court. Therefore, the present O.A. is allowed and the respondents are directed to revise the pay scale of the applicant from Rs. 210-290/- to Rs. 260-400/- and its replacement scale and grant it to the applicant as well from the applicable date within 3 months from the date of receipt of copy of this order. The order in the earlier O.A. will be treated as part of this O.A. as well and the respondents are directed to comply with the directions aforesaid in its entirety. The consequential relief, which is admissible from decision of the earlier O.A. shall be equally made to the applicant in this case as well.

3. M.A. No. 110/2006 & 75/2007 also stand disposed of.


(V.K. Kapoor)

Administrative Member


(Dr. K.B. Suresh)
Judicial Member

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