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

Original Application No. 56/2006

Date of order: 25.11.2008.

Hon'ble Mr. George Parackan, Judicial Member.

Hon'ble Mr. Tarsem Lal, Administrative Member.

Sultan Singh, S/o of Shri Kishori Lal, aged 50 years, Fitter Pipe, in the office of Garrison Engineer, MES Abohar, R/o MES Colony, Abohar, District Firozpur.

: applicant.

Rep. By Mr. Vijay Mehta : Counsel for the applicant.

VERSUS

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

: Respondents.

None present for the respondents.

ORDER

Per Mr. George Parackan

The prayer of the applicant in this case is to direct the respondents to grant him the pay scale of Rs. 260-400 (Pre-revised), 950-1500 (revised) from the date of his initial appointment as Valveman and to revise the same from time to time as per the relevant rules regarding pay revisions. The applicant has also prayed for grant of all consequential benefits emanating from such revision of the pay scales.

(Signature)

2. The brief facts of the case are: The applicant was appointed as Valveman in the scale of pay of Rs. 210-290 vide order dated 04.05.1981, issued by the CWE (P). He joined his duties as Valveman on 14.05.81. He is presently posted as Fitter Pipe under the Garrison Engineer, Abohar.

3. Similarly placed persons like the applicant, Shri Jaswant Ram and others have filed O.A No. 395/96, before this Bench of the Tribunal seeking revision of scale of pay of the post of Valveman from Rs.210-290 to Rs.260-400 and subsequent revision of the above said pay scale from time to time. This Bench of the Tribunal passed the following order on 13.09.1999, in the said O.A.:

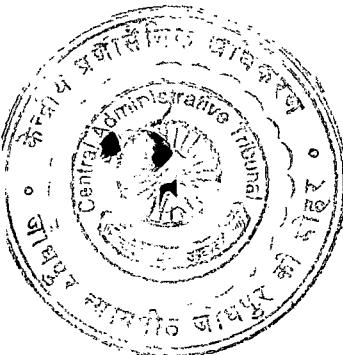
"4. We have heard the learned counsel for the parties and perused the records of the case.

5. The controversy in hand has been examined in detail by this Tribunal in O.A. No. 79/92, O.A. No. 206/95 and O.A. No. 324/95 and the contention of the applicants for fixation of their salary in the scale of Rs. 950-1500 from the date of their appointment has been upheld. We would not like to repeat the reasons recorded in the OAs Nos. 79/92, 206/95 and 324/95 for upholding the contentions of the applicants herein. Suffice it to say that modification sought in the recruitment rules vide Government of India orders dated 15.10.1984 and 11.01.1985 were incorporated in the recruitment rules only in 1991 whereas the applicants were appointed on the posts of Valveman during the year 1987. As such, the modifications suggested in the Government orders dated 15th October 1984 and 11th January 1985 would not apply to the applicants.

6. In the circumstances, the Original application is allowed with a direction to the respondents that the applicants should be fixed in the pay scale of Rs. 950-1500 from the date of their initial appointment within the period of three months from the date of receipt of a copy of this order.

7. The parties are left to bear their own costs."

The aforesaid decision of the Tribunal was taken before the Hon'ble Supreme Court by the respondents by way of SLP (c) No.6325/2001. (Annex. A/8). The Apex Court had dismissed the SLP vide its judgement dated 03.04.2001 and affirmed the decision



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of this Tribunal. Thus the decision of this Tribunal has attained its finality.

4. Thereafter, another O.A No. 170/2002 was filed by one Krishan Gopal, a similarly placed person. The same was also allowed by this Bench vide its order dated 09.12.2002. The operative portion of the order reads as under:

"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 Valverman under the Recruitment Rules of 1971 and before coming into the effect of the Recruitment Rules of 1991.

7. The parties are left to bear their own costs."

The respondents have preferred D.B. (C) Writ Petition No.3606/2003 before the Hon'ble High Court of Rajasthan, but it was dismissed. The SLP No.11753/2004, filed by the Respondents against the aforesaid judgement of the High Court before the Hon'ble Apex Court was also dismissed vide order dated 08.04.2005 (Annex. A/9)

3. Yet another O.A. No. 318/2001 was filed by one Satya Singh. The same was allowed vide order dated 14.11.2002. Writ Petition No.6848/2003 preferred against that order was also dismissed by the Hon'ble High Court of Rajasthan vide its judgement dated 16.12.2003. (Annex. A/3). While dismissing the above Writ



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Petition, the Hon'ble High Court of Rajasthan has observed 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 judgement of this Court dated 16.03.2000 in D.B. civil Writ Petition No. 1391/1999 allowed the Original Application and granted relief. It further appears that the Special Leave Petition filed against the Division Bench of this Court has been rejected by the Apex Court as 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 herein 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.

We have heard the learned counsel for the applicant Mr. Vijay Mehta. In the absence of learned counsel for the respondents we have perused the reply very carefully. The basic contention of the respondents is that the benefits have been made available only to those personnel who have filed court cases and got orders in their favour. The undisputed fact is that the applicant was appointed as Valveman on 04.05.1981, i.e. prior the amendment of the Recruitment Rules 1991. He is similarly placed with the applicants in O.A. Nos. 395/96, 170/2002, 318/2001 (supra). In the case of the applicants in all those OAs, 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



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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 need for every individual to rush to the Tribunal or Courts to seek the same relief. We, therefore, do not find any 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. Resultantly, this O.A is allowed. We direct the respondents to revise the pay scale of the applicant from Rs. 210-290 to Rs. 260-400 from the date of his initial appointment 14.05.1981, as was made applicable in the cases of other similarly situated persons. The respondents are further directed to grant him the revised scales of pay from time to time. However, the arrears of pay and allowances are admissible to the applicant only from 13.03.2003 i.e. three years prior to the date of filing of this O.A. which was on 13.03.2006. The aforesaid direction shall be complied with within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.



[Tarsem Lal]
Administrative Member.

[George Parackal]
Judicial Member.



J.S.V.

Part II and III destroyed
in my presence on 19/11/14
under the supervision of
section officer (J) as per
order dated 19/8/2014

Section officer (Record)

Copy
Vidhu
2014

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