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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

**ORIGINAL APPLICATION NO. 49/2008
JODHPUR: THIS THE 7th September, 2010**

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

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Govind Singh S/o Shri Ugam Singh, aged about 63 years, R/o 9/11, 3rd Pulia, Chopasani Housing Board, Jodhpur, last employed on the post of Telephone Operator, in the office of 224 Advance Based Ordnance Depot (ABOD), C/o 56 A.P.O.

.....**Applicant**

[For the applicant Mr. J.K.Mishra, Advocate]

Versus

- 1- The Union of India through Secretary to the Government of India, Ministry of Defence, Raksha Bhawan, New Delhi.
- 2- The Director General of Ordnance Services, Master General of Ordnance Branch, Integrated Headquarters of MOD (Army), DHQ, Post Office New Delhi.
- 3- Chief Record Officer, AOC Records, Secunderabad-15.
- 4- The Commandant, 224, Advance Base Ordnance Depot, C/o 56 APO.

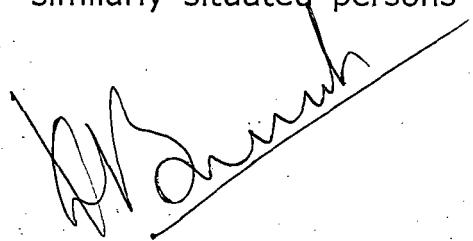
.....**Respondents.**

[For the respondents Mr. Vikas Seoul for Mr. Vineet Mathur]

**ORDER
[PER DR. K.B.SURESH, JM]**

Heard the learned counsel for the parties.

- 2- The applicant claims the benefit of an order of a coordinate Bench of this Tribunal at Chandigarh - OA 450/HR/2002 decided on 13.9.2002 (Annex.A/1) which directs that the respondents are directed to grant not only the applicants, in this case but, all similarly situated persons the revised scale given to CBSOs in



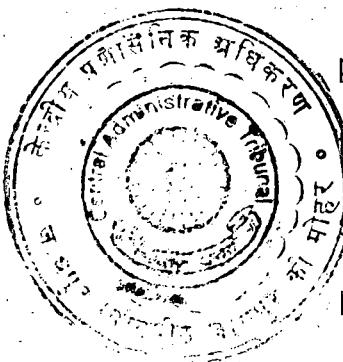


the Telecom Department w.e.f. 1.1.96 with all consequential benefits of pay fixation etc.

3- Thereafter, the matter was taken up by the respondents to the Hon'ble High Court and failed and subsequently, it was taken to the Hon'ble Supreme Court and failed and thereafter, the Ministry of Defence, issued Annex. A/4 dated 9.3.2007, in compliance to Annex.A/1 Tribunal's order which is under challenge. The applicant claims under the same judgment and submits that he is in a similar situation and this is not disputed.

4- The respondents do not deny to the contentions raised in the OA but, would say that applicant's appointment was in the pay scale of Rs. 950-1540 and the case of the applicant was taken-up with the Ministry of Defence for grant of revised pay scale of Rs. 3200-4900 and the matter was examined by the Ministry of Defence in accordance with the rules and the policy. It is stated that a judgment is retrospective and legislative process is prospective and hence, until said to be otherwise, there is nothing to suggest that the said SRO-77 has retrospective application and thus, the same cannot be applied to the case of the applicant. However, the applicant is to be governed and regulated by the rules in force at the time he became entitled and the accrued benefits cannot be denied on the basis of subsequent policy or scheme and therefore, the said SRO of 3.12.2007 has no application to the case of applicant. The applicant had given option of benefit under the TBOP BCR Scheme and had foregone the benefit under the ACP Scheme, therefore, following the Apex Court judgment, there cannot be

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any thing left to be agitated in this matter. The O.A. is, therefore, allowed and the respondents are directed to accord appropriate scale of pay to the applicant in accordance with the order Annex. A/1 of the Tribunal which became merged with the order of the Apex Court with arrears and which must be finalized within three months and payment be made to him without interest, if paid within next three months and with interest at the rate of 12% p.a. if paid after the period as aforesaid.

No costs.

V.K.Kapoor
(V.K.Kapoor)

AM



V.B.S
(Dr.K.B.Suresh)
JM

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