

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Jodhpur, this the 14th day of February, 2014

CORAM

Hon'ble Mr. Justice Kailash Chandra Joshi, Judicial Member
Hon'ble Ms. Meenakshi Hooja, Administrative Member

Original Application No. 126/2013

Prem Singh s/o Shri Jorawar Singh, aged 58 years, Valveman in the office of AGE (I), Diapur-Akiling Garh Cant, resident of Village Hawala, Tehsil Girwa, District Udaipur

.....Applicant

By Advocate: Mr Vijay Mehta

Versus

1. Union of India through the Secretary to the Govt. of India, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Commander Works Engineer, MES, Army, Multan Lines, Jodhpur

.....Respondents

By Advocate : Ms. K. Parveen

Original Application No. 352/2013

Akhtar Ali s/o late Sh. Akbar Ali, aged about 61 years r/o c/o B.K.Pant, House No.759, Bhagwanpura Industrial Area, Rani Bajar, Bikaner, Rajasthan, Ex-Pipe Fitter, H.S. in the office of GE, Nal, Bikaner, Rajasthan

.....Applicant

By Advocate: Mr S.K.Malik

Versus

1. Union of India through the Secretary to the Govt. of India, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Commander Works Engineer (AF), Bikaner (Rajasthan).
3. Garrison Engineer (AF), Nal, Bikaner (Rajasthan)

.....Respondents

By Advocate : Ms. K. Parveen

ORDER (Oral)

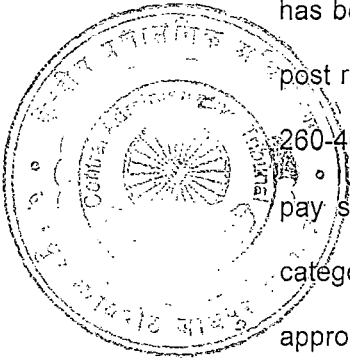
Per Justice K.C. Joshi, Member (J)

The applicants have filed Misc. Application No.59/2013 and 156/2013 for condonation of delay in filing the OA No.126/2013 and 392/2013 respectively. We have considered the Misc. Applications filed by the applicants and in the interest of justice, the same are allowed.

2. Since similar controversy involve in both the OAs, therefore, these are being decided by this common order.

3. Both the applicants pray for direction to the respondents to grant pay scale of Rs. 260-400/950-1500 from the date of promotion as Valveman with all consequential benefits.

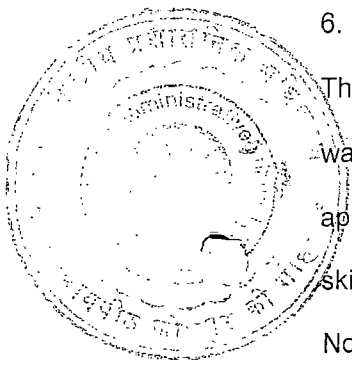
4. In OA No.126/2013, the applicant was appointed as Mazdoor on 31.1.1978 and thereafter promoted to the post of Valveman on 21.4.1983. It has been stated by the applicant that he is discharging the duties of skilled post right from the date of his promotion in the pay scale of skilled post Rs. 260-400 which was revised to Rs. 950-1500, but he was paid salary in the pay scale of Rs. 210-290/800-1150 which is a pay scale of semi-skilled category. The applicant has averred that similarly situated persons have approached this Tribunal and the Tribunal allowed the pay scale of the skilled grade i.e. Rs. 950-1500 from the date of promotion to the post of Valveman and the decision was upheld upto the Hon'ble Supreme Court, therefore, the action of the respondents not granting pay scale of skilled grade is violative of Article 14 and 16 of the Constitution of India as the



respondents have unequally treated the applicant with reference to similarly situated employees.

5. In OA No.352/2013, the applicant was initially appointed on the post of Ci./Syee in 17 GN w.e.f. 23.1.1969 and after declaring surplus, he was transferred to MES at Jaipur on 5.5.1973 on the post of Mazdoor. After qualifying the trade test, the applicant was promoted to the post of Valveman in the scale of Rs. 210-290 w.e.f. 24.4.1978 and superannuated on 31.1.2012. It has been stated by the applicant that the controversy with regard to grant of skilled grade to the post of Valveman in the pay scale of Rs. 260-400/950-1500 has already been settled in the case of UOI and others vs. Gepa Ram Valveman and others by the Hon'ble Supreme Court vide order dated 16.6.2011, therefore, not granting skilled grade in the pay scale of Rs. 260-400/950-1500 from the date of promotion as Valveman to the applicant is arbitrary and discriminatory and violative of Article 14 and 16 of the Constitution of India.

6. The respondents in the reply have denied the right of the applicants. The respondents have submitted that as per rules in vogue, the individual was granted promotion in the Valveman category and was being paid in the applicable scale. The post of Valveman was also being considered as semi-skilled category and accordingly the pay scale was fixed. In reply to OA No.352/2013, the respondents have submitted pay scale of Rs. 260-400/950-1500 cannot be granted to the applicant since there is no such provision prescribed by the Government of India and all due benefit upto the date of retirement have already been granted to the applicant by the respondents.

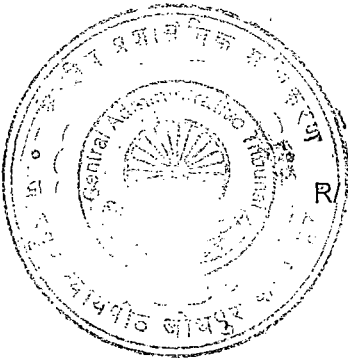


7. Heard both the parties. Since the controversy involved in these OAs has already been decided by this Bench of the Tribunal in OA No.317/2012 and other similar OAs vide order dated 29.4.2013, therefore, without detail discussions in the matter, we dispose of these OAs with certain directions.

8. Accordingly, both the OAs are allowed with direction to the respondents to take the required steps for granting pay scale of Rs. 950-1500 to the applicants from the date of their appointment as Valvemen on notional basis with all consequential benefit. However, the arrears on account of fixation shall be payable only for the period from three years prior to filing of the present OAs by the respective applicants. Since the applicant in OA No.352/2013 has already retired, therefore, the respondents after arriving at the correct pay fixation shall revise his pension accordingly and issue a fresh PPO. This order shall be complied with within a period of four months from the date of receipt of a copy of this order. No order as to costs.

[Signature]
[Meenakshi Hooja]
Administrative Member

[Signature]
[K.C. Joshi]
Judicial Member



COMPARED &
CHECKED

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CERTIFIED TRUE COPY

Date: 18/2/2014

[Signature]
J.R. Sharma

(Seal of the Tribunal)
Sealed and signed by
the Administrative Member
and the Judicial Member
on 18/2/2014
at Mumbai.

[Signature]
S.K. Kothale
Adv
19/2/14

[Signature]
Copies for
12. Bureau
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