

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.385/2013
with
Misc. Application No.200/2013

Jodhpur, this the 16th of July, 2014

CORAM

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

Bhanwar Lal Solanki S/o Shri Lala Ram, aged 58 years, Valveman in the office of Garrison Engineer, Banar, District Jodhpur, Resident of 165, Prathvipura, Rasala Road, Jodhpur.

.....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 (P), MES, Banar, Jodhpur.
3. Garrison Engineer, MES, Banar, District Jodhpur.

.....Respondents

By Advocate : Ms. K. Parveen

ORDER (Oral)

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

The applicant has filed Misc. Application No.200/2013 for condonation of delay in filing the OA No.385/2013. We have considered the Misc. Application filed by the applicant and in the interest of justice, the same is allowed.

2. By way of original application, the applicant prays for direction to the respondents to grant pay scale of Rs. 260-400/950-1500/ 3050-4500 and as

further revised from time to time from the date of promotion of the applicant as Valveman with all consequential benefits.

3. The short facts of the case as averred by the applicant are that the applicant was appointed as Mazdoor on 06.06.1979 and thereafter promoted to the post of Valveman on 20.04.1995. 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.

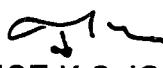
4. The respondents in the reply have denied the right of the applicant. The respondents have submitted that as per rules in vogue, the individual was granted promotion in the Valveman category and was being paid in the applicable scale. The post of Valveman was also being considered as semi-skilled category and accordingly the pay scale was fixed. It has been further averred that the applicant was promoted to Valveman w.e.f. 20.04.1995 which is semi-skilled grade in the pay scale of Rs.800-15-1010-EB-20-1150 and getting all the benefits since his promotion in the grade of semi-skilled and did not raise any objection at that time.

5. Heard both the parties. Since the controversy involved in this OA 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 detailed discussions in the matter, we dispose of this OA with certain directions.

6. Accordingly, the OA is allowed with direction to the respondents to take the required steps for granting pay scale of Rs.950-1500 to the applicant from the date of his 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 OA by the applicant. 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.


(MEENAKSHI HOOJA)
Administrative Member


(JUSTICE K.C.JOSHI)
Judicial Member

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