

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00191/2014
With Misc. Application No.290/00242/2014

Jodhpur, this the 27th day of February, 2015

CORAM

Hon'ble Justice Mr K.C. Joshi, Judicial Member
Hon'ble Ms. Meenakshi Hooja, Administrative Member

1. Sujja Ram s/o Sh. Hukma Ram, aged about 55 years r/o C/o AGE E/M II (Air Force), Jodhpur, presently working on the post of Valve Man in the office of AGE E/M II (AF), Jodhpur Rajasthan.
2. Om Prakash s/o Sh. Yad Ram, aged about 50 years r/o C/o AGE E/M II (Air Force), Jodhpur, presently working on the post of Valve Man in the office of AGE E/M II (AF), Jodhpur Rajasthan.

.....Applicants

By Advocate: Mr. S.K.Malik

Versus

1. The Union of India through the Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Commander Works Engineer, Air Force, Jodhpur, Rajasthan
3. Garrison Engineer, Air Force, Jodhpur Rajasthan

.....Respondents

By Advocate : Ms. Kausar Parveen

ORDER

Per Justice K.C.Joshi

The applicants have filed Misc. Application No.290/00242/2014 for condonation of delay in filing the present OA. We have considered the Misc. Application and in the interest of justice, the same is allowed.

2. The present OA has been filed against the order dated 5.5.2014 (Ann.A/1) by which the applicants have been denied correct fixation of pay on promotion to

the post of Valve Man in the pay scale of Rs. 3050-4590 i.e. Skilled category.

Therefore, they have prayed for the following reliefs:-

- “(i) By an appropriate writ order or direction impugned order dated 05.05.2014 at Annex.A/1 be declared illegal and be quashed and set aside.
- (ii) By an appropriate order or direction respondents may be directed to take steps for promoting the applicants in the pay scale of Rs. 260-400/950-1500/3050-4590 (Skilled) from the date of their promotion as valve men with all consequential benefits including arrears of pay and allowances etc.
- (iii) Applicant may kindly be allowed to file joint O.A. because the relief prayed by the applicant is identical and similar.
- (iv) Exemplary cost may be imposed on the respondents for causing undue harassment to the applicants.
- (v) Any other relief which is found just and proper be passed in favour of the applicants in the interest of justice.”

3. So far as relief regarding filing of joint OA is concerned, the applicants are permitted to pursue their remedy jointly.


4. Relevant facts of the case, as averred by the applicants, are that applicant No.1 was initially appointed on the post of Majdoor w.e.f. 25.2.1988 and thereafter promoted on the post of Valveman w.e.f. 10.2.1998 in the pay scale of Rs. 2650-4000 (SS). Applicant No.2 was initially appointed on the post of Safaiwala w.e.f. 29.5.1983 and thereafter promoted on the post of Valveman w.e.f. 3.6.1998 in the pay scale of Rs. 2650-4000 (SS). It has been averred by the applicants that a number of similarly situated Valvemen promoted from the post of Majdoor, Safaiwala etc. have approached the Tribunal for grant of pay scale of Rs. 260-400/950-1500/3050-4590 from the date of their initial appointment/promotion and the Hon'ble court granted relief to all persons, who approached the court. The applicants have also made request verbally to grant skilled pay scale to them but of no avail. Lastly, they have filed representation, which was rejected vide impugned order dated 5.5.2014 (Ann.A/1) stating that they have been promoted to Valvemen (Semi Skilled) so their claim is not justified. The applicant have stated that the Hon'ble Tribunal in identical matters allowed a number of persons and

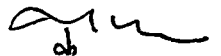
against those orders respondents filed Writ Petitions which were also dismissed by the Hon'ble Rajasthan High Court and thereafter SLP filed before the Hon'ble Supreme Court was also dismissed by the Hon'ble Apex Court in the case of UOI and Others vs. Gepa Ram vide order dated 16.6.2011, therefore, the controversy stand resolved. Recently, this Tribunal in the case of Sattar Khan vs. UOI vide order dated 26.3.2014 (Ann.A/4) has also granted the same relief. Therefore, aggrieved of the action of the respondents, the applicants have filed this OA praying for the reliefs as extracted above.

5. In reply to the OA, the respondents have submitted that the letter dated 5.5.2014 (Ann.A/1) has been issued correctly by the Garrison Engineer (AF), Jodhpur as the Valveman post, on which they were promoted is Semi-skilled post and as such, they cannot be placed under Skilled category. The respondents have further submitted that a large number of similarly situated persons were promoted and were granted skilled grade as per Government order, but this was made applicable to those Valvemen appointed/promoted prior to the year 1991. According to the respondents, the judgments in other cases of similarly situated Valveman are not applicable in these cases as they were promoted after 1991. Therefore, the applicants are not entitled to any relief.

6. Heard counsel for both the parties. After considering the contentions put forth by the respective parties, we are of the view that since the controversy involved in this OA has already been decided by this Bench of the Tribunal in OA No.66/2013, Sattar Khan vs. UOI and other similar matters vide order dated 26th March, 2014 (Ann.A/4), therefore, there is no requirement to discuss each and every point in detail. Earlier to the order dated 26.3.2014, this Tribunal has also followed the same ratio. Therefore, without discussing the matter in detail, we dispose of this OA with certain directions.

2. Accordingly, the OA is allowed with direction to the respondents to take the required steps for granting pay scale of Rs. 950-1500/3050-4590 to the applicants from the date of their appointment as Valvemen on notional basis with all consequential benefits. 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 applicants. 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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