

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00194/2014
With Misc. Application No.290/00248/2014

Jodhpur, this the 2nd day of March, 2015

CORAM

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

1. Kanku Devi widow of Shri Sava ji Meena, aged 58 years
2. Shanti Lal son of Shri Sava ji Meena, aged 39 years
3. Gautam son of Shri Sava ji Meena, aged 26 years,
4. Kalu son of Shri Sava ji Meena, aged 24 years,

All applicants residents of village Rawa, Panchayat, Jawar, Tehsil Girwa, District Udaipur

.....Applicants

By Advocate: Mr. Vijay Mehta

Versus

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

.....Respondents

By Advocate : Mr. Girish Joshi

ORDER (ORAL)

Per Justice K.C.Joshi

The applicants have filed Misc. Application No.290/00248/2014 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 by the applicants i.e. Legal heirs of late Shri Sava Ji Meena, who has since expired, for grant of pay scale of skilled category to

“That the applicants pray that they may kindly be permitted to file and prosecute the OA jointly. In view of the facts and grounds mentioned herein above the applicants pray that the respondents may kindly be directed to pay the applicants salary of Shri Sava Ji in pay scale of 260-400/900-1500 and as further revised from time to time from the date of the promotion of the deceased to the post of Valve Man and consequently to revise his fixation and family pension with all consequential benefits and the oay (pay) same to the applicant No.1. Any other relief, deemed fit by this Hon’ble Tribunal may also be granted to the applicants. Costs may also be awarded to the applicants.

3. So far as prayer 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 is widow and rest of the applicants are sons of late Shri Sava Ji Meena. The deceased employee Shri Sava Ji Meena was appointed on the post of Mazdoor vide PTO dated 19.6.1978. He was promoted to the post of Valve Man vide PTO dated 18.2.1985 w.e.f. 17.11.1984. Shri Sava Ji expired on 5.12.2011 while posted under the AGE (I), Udaipur Akling Garh Cantt. The applicants have stated that this Hon’ble Tribunal and other Benches of the CAT have repeatedly held that the post of Valveman is a skilled post and the same has been upheld by the Hon’ble Rajasthan High Court and Hon’ble Apex Court. Shri Sava Ji was discharging the duties of the skilled post right from the date of his promotion in the pay scale of 260-400 which was revised to Rs. 950-1500, whereas he was paid salary in the pay scale of Rs. 210-290/800-1150 which is a pay scale of semi skilled category. The pay scale of Rs. 950-1500 has further been revised to Rs. 3050-4500. The applicants have further averred that similarly situated persons filed OA No.395/96- Jaswant Ram and others vs. UOI and vide order dated 13.9.1999 this Tribunal directed the respondents to fix the applicants in the pay scale of Rs. 950-1500 i.e. the pay scale of skilled grade from the date of their initial appointment. Thereafter the Writ Petition and SLP filed by the respondents were dismissed. The applicants have

situated persons. Accordingly, the applicant No.1 filed representation to the respondents on 4.4.2014 and also made verbal request to make payment of salary of Shri Sava Ji in the skilled pay scale and to revise the family pension and retiral benefits according to skilled pay scale, but no communication was received by applicant No.1. Therefore, aggrieved of the action of the respondents, the applicants have filed this OA praying for the reliefs as mentioned above.

5. In reply to the OA, the respondents have submitted that the deceased employee was promoted to the post of Valveman and was being paid as per the rules/procedure applicable at that time and the same has been accepted by the employee also, hence the claim for another scale i.e. skilled grade is not applicable to him. The respondents have further submitted that as per the rules in vogue, the individual was granted promotion in the Valveman category and was being paid in the then applicable pay scale. Moreover, the post of Valveman was also being considered as semi skilled category and accordingly the pay was fixed and though the Hon'ble CAT has ordered to extend the similar benefit suo moto to all other Valvemen, but the case of the applicant is different in present OA and the action taken by the respondents is as per the existing rules on the subject. Therefore, the OA is liable to be dismissed.

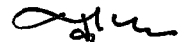
6. Heard counsel for both the parties. After considering the contentions put forth by the respective parties, we are of the view that the controversy involved in this OA has already been settled by this Bench of the Tribunal by various decisions. In OA No. 126/2013 vide order dated 14.2.2014 (Ann.A/11) a similar controversy was decided. Therefore, without detailed discussions in the matter, we deem it proper to dispose of this OA with certain directions.

7. Accordingly, the OA is allowed with direction to the respondents to take the

employee from the date of appointment/promotion of the deceased employee as Valveman 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. Since the employee has expired, the respondents after arriving at the correct pay fixation shall revise family pension accordingly and issue a revised 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.



(MEENAKSHI HOOJA)
Administrative Member



(JUSTICE K.C. JOSHI)
Judicial Member

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