

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

MA 381 of 1999
OA 992 of 1997

Present : Hon'ble Mr. Nityananda Prusty, Judicial Member
Hon'ble Mr. N.D. Dayal, Administrative Member

Tulsi Samaddar & 6 Others

..... Applicants

- VS -

- 1) Union of India, through the Secretary, Govt. of India, M/o Defence having its Office at New Delhi.
- 2) The Chairman, Ordnance Factory Board and Director General, Ordnance Factory having its office at 10/A, Saheed Khudiram Bose Road, Calcutta.
- 3) The General Manager, Gun & Shell Factory, Cossipore having its office at Cossipore, P.S. Cossipore, Calcutta.

..... Respondents

For the Applicants : Mr. M.M. Mallick, Counsel

For the Respondents : Mr. M.S. Banerjee, Counsel

Date of Order : 12-12-2003

ORDER

MR. NITYANANDA PRUSTY, JM

Heard Mr. Mallick, Ld.Counsel for the applicants and Mr. Banerjee, Ld Counsel for the official respondents. The applicants, who were working as Tracers in Gun & Shell Factory, Cossipore, have filed this application for the following reliefs :

- a) Leave under Rule 4(5)(a) of the Central Administrative Tribunal (procedure) Rules as amended may be granted to allow your applicants in a single application;
- b) A direction may be issued setting aside and quashing the impugned order dated 20.6.97 declaring the same to be illegal contrary to the decision of the Hon'ble

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Supreme Court and contrary to the existing award and benefit to the similarly placed persons;

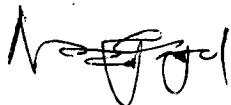
- c) A direction may be issued that the applicants have all along been treated as equivalent to Tracer/Draughtsmen Grade-III in C.P.W.D. and the entitled to the benefit of revised scale of pay has already been granted to the Tracer/Draughtsmen Gr.III in CPWD in conformity with the decision of the Hon'ble Supreme Court dated 20.7.95 passed in the bunch of cases including Civil Appeal No. 1433 of 1995.
- d) A direction may be issued that the benefit in the revision scale of pay would be given w.e.f. 13.5.82 notionally and actually from 1.11.83 on the revised pay scale of Rs. 1200-2040 from Rs.975 - 1540.
- e) A direction may be also issued to pay all arrears of dues within a reasonable stipulated period;
- f) Issue of any other or further direction in the facts and circumstances of the case upon the respondents as this Hon'ble Tribunal may deem fit and proper.
- g) Cost of the proceedings.

2. During the course of hearing, Ld. Counsel for the official respondents submits that all the benefits as per entitlement of the applicants have already been extended in their favour vide order dated 28-8-2003 and the same has also been communicated to the respective parties. In the said order the date of holding the post of Tracer and date of placement in the scale of pay of Rs.1200-2040/- and date of placement in the scale of pay of Rs.4000-6000/- in respect of all the applicants have also been mentioned. However, the Ld. Counsel for the applicants submits that ~~even though~~ the applicants have not received copy of the said order nor they have got any financial benefit which has accrued in their favour by virtue of this order. In view of the matter the Ld. Counsel for the applicants submits that this application may be disposed of with a direction upon the respondent authorities to extend all the financial benefits as per their entitlement on the basis of the said order dated 28.8.03 within a stipulated period. The Ld. Counsel for the applicants further submits that in case the applicants are not satisfied by the fixation of their pay scale etc. liberty may be given to the applicants to file representation for extension of those benefits in favour

of the applicants. Ld. Counsel for the official respondents has no objection to the above prayer made by the Ld. Counsel for the applicants.

3. In view of the submissions made by Ld. Counsel for both the parties, we direct the respondent authorities to extend all the financial benefits which has accrued in favour of the applicants by virtue of the order dated 28.8.2003 as per their entitlement, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that in case the applicants have got any further grievance in the matter regarding fixation of their ^{effective} pay vis-a-vis the date from which the benefits have accrued, they are at liberty to file detailed representation alongwith supporting documents on which they rely upon within a period of two weeks from the date of communication of this order. It is further made clear that in case such a representation is filed, then the respondent authorities are directed to consider and dispose of the same in accordance with law keeping in view the documents which will be filed alongwith the representation, within a period of two months from the date of receipt of such representation.

4. With the ^{both M.A. &} ~~above~~ observation/direction ~~the~~ O.A. are disposed of. However, there shall be no order as to costs. Letter dated 28-8-2003 filed by the Ld. Counsel for the respondents in Court to-say be kept as a part of the record.



Member(A)



Member(J)