

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No.499 of 1997

Present : Hon'ble Mr. S. Biswas, Administrative Member
Hon'ble Mr. A. Sathath Khan, Judicial Member

Smt. Chandana Dhang, W/o Late Kamal Kumar
Dhang, residing at Vill. & P.O. Pantihal,
Dist. Howrah

... Applicant

VS

1. Union of India, service through the
Secretary, Ministry of Communication,
Dept. of Telecom, Sanchar Bhawan, New
Delhi

2. Director General, Telecommunication,
Govt. of India, Sanchar Bhawan, New
Delhi

3. Chief General Manager, Calcutta
Telephones, B.B.D. Bag, Calcutta-1

4. Asstt. General Manager (Staff),
Calcutta Telephones, B.B.D. Bag,
Calcutta-1

5. Sr. Sub-Divisional Engineer (St-I) HQ
Calcutta Telephones, 9, Bentick Street
Calcutta-1

... Respondents

For the Applicant : Mr. S. K. Ghosh, counsel

For the Respondents: Mrs. K. Banerjee, counsel

: : Date of order: 10-01-2003

O R D E R

A. Sathath Khan, JM

Aggrieved by the impugned order dated 17.3.97 of the Sr. Sub-Divisional Engineer, respondent No.5 herein the applicant has filed the above OA to quash the said impugned order dated 17.3.97 at Annexure 'A/5' and to direct the respondents to fix the notional pay of the husband of the applicant with effect from 22.8.73 and actual financial benefits with effect from 16.11.78. The applicant submits that her husband who was working as L.G. Draftsman from 15.1.66 died in harness on 30.6.85, that the Department of Telecommunication issued an order dated 19.7.93 directing the revision of pay scale of Draftsman of the P & T

Civil Wing at par with the Draftsman of CPWD pursuant to the order of the Principal Bench of this Tribunal dated 31.7.92 in OA No.1978/88, that the applicant made a representation dated 22.4.96 requesting for the benefits of the revision of pay scale and the arrears of pay, that the respondents rejected her representation by order dated 17.3.97 stating that said benefit is available only for the Draftsman existing on the date of the order dated 19.7.93 and that the impugned order of the respondents is arbitrary and illegal in the light of the order dated 19.7.93. Under these circumstances the applicant prays for the relief stated above.

3. The respondents resisted the claim of the applicant on the ground that the applicant's husband died on 30.6.85, that the applicant's husband was not in service on the date of the issuance of the order dated 22.8.93, that the order dated 22.8.93 is applicable only to the existing Draftsman and that there are no merits in the claim of the applicant. Under these circumstances the respondents pray for the dismissal of the above OA.

4. Heard the learned counsel of both the parties and considered all the pleadings and the relevant records made available to us.

5. The crucial point to be decided in this case is whether the order dated 19.7.93 is applicable to the applicant's husband who died on 30.6.85 in harness. It is not in dispute that the applicant's husband was a Draftsman with effect from 15.1.66 and he expired on 30.6.85 in harness. The only contention of the respondents is that subsequent to the order dated 19.7.93, the order dated 22.8.93 was passed in which the benefit was extended only to the existing Draftsman and since the applicant's husband was not in service on the date of the said order, the applicant's husband is not entitled to the revision of pay scale. It is pertinent to note that the order passed by the respondents on

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19.7.93 is based on the order of the Principal Bench dated 31.7.92 in OA No.1978/88 ^{by and} ~~in which~~ it has been categorically mentioned that Draftsmen appointed/promoted prior to 1978 will be entitled to the revision of pay scale mentioned therein notionally with effect from 22.3.1973 or from the date on which they were appointed to the grade, whichever is later and actual monetary benefit from 16.11.78. It is also pertinent to note that in the order dated 19.7.93 the condition that the said order is applicable only to the existing Draftsmen is not there, since it has been categorically stated that it is applicable to Draftsmen appointed/promoted prior to 1978. Admittedly, the applicant's husband was appointed as Draftsman on 15.1.66 and the order dated 19.7.93 squarely applies to the applicant's husband also. Under these circumstances we hold that the impugned order dated 17.3.97 rejecting the claim of the applicant is arbitrary and illegal and the same is hereby quashed.

6. Consequently, the applicant succeeds and the respondents are directed to fix the pay of the applicant's husband with effect from 22.8.73 on notional basis and with effect from 16.11.78 on actual basis and pay the arrears due on the basis of the revision of pay with all consequential retirement benefits.

7. In the result the OA is allowed as indicated above with no order as to costs.

(A. Sathath Khan)

MEMBER (J)

S. Biswas
(S. Biswas)

MEMBER (A)