

4/9

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

O.A. 521/92

Lucknow this the 22nd day of March, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J).

Hon'ble Shri A.K. Misra, Member(A)-

1. S.K.Banerjee, aged about 44 years, son
of Late R.N.Banerjee, r/o C-1443/3 Indira Nagar,
Lucknow (MES No.455197)
 2. S.N.Dass, aged about 52 years, son of Late
O.N.Dass, resident of D-2007, Indira Nagar, Lucknow.
(MES No.216020).
 3. V.N.Gandhi, aged about 54 years, s/o Late
M.L.Gandhi, r/o 1-Ka, Laskhari Rakabganj, Aminabad,
Lucknow (MES No.435045).
 4. J.N.Biswas, aged about 52 years, son of Late
K.N.Biswas, r/o Basti Para Road, Lucknow (CELZ Lko).
 5. P.K.Paul, aged about 42 years, son of Late
B.K.Paul, r/o D-2196 Indira Nagar, Lucknow
(C.E.L.Z. Lko.)
 6. N.K.Malik, aged about 45 years, son of Late
N.L.Malik, r/o C-1223 Rajjipuram, Lucknow (CELZ LKO)
 7. S.P.Sharma, aged about 51 years, son of Late
P.G.Sharma, r/o 4 Manas Nagar, Indralok Colony,
Lucknow (C.E.L.Z. LKO)
 8. Shri Prakash, aged about 41 years, son of
Sri Nand Lal, r/o 554/Kha/65 Bisswar Nagar,
Alambagh, Lucknow (C.E.L.Z. Lko)
 9. Ram Narain aged about 54 years, son of Late
Ram Saran, r/o C-3394 Rajajipuram, Lucknow
(C.E.L.Z. Lko)
 10. Daljeet Singh, aged about 45 years, son of
Sri Amrik Singh, r/o 554-K/107 Arjun Nagar,
- js.

Alambagh, Lucknow (CHLZ Lko)
11. C.P. Verma, aged about 49 years, son of Late
M.L. Verma, r/o 68/303, Gandhi Nagar, Lal Kuan,
Lucknow (CHLZ Lko)

12. Ramji Sharma, aged about 48 years, son of
Sri Deo Dutt Sharma, r/o Kayam Khara, Rajendra
Nagar, Lucknow (MRS No. 400066)

13. Harcharan Singh, aged about 49 years, son of
Sri Gawan Singh, r/o 163/1, Chander Nagar,
Alambagh Lucknow (CHLZ Lko)

14. A.K. Mitra, aged about 50 years, son of Late
R.P. Mitra, r/o 57, Bishnagar, Alambagh,
Lucknow (MRS No. 441099)

15. S.C. Ghosh, aged about 54 years, son of Sri
H.P. Ghosh, r/o 36-A, Kailashpur, Alambagh,
Lucknow (MRS No. 400280)

16. Rakesh Kumar Sharma, aged about 42 years, s/o
Late I.D. Sharma, r/o LD 122-B, Rose Road, Alambagh,
Lucknow (MRS No. 439014)

17. S.W. Nagvi, aged about 60 years, son of Late
Syed Ali Akber, r/o Mohalla Bangla P.O. Amroha,
District Moradabad (MRS No. 242021)

18. M.P. Chaturasta, aged about 48 years, son of Late
N.C. Chaturasta, r/o 551-K & 332 Bhilawan Alambagh,
Lucknow (C.W.R. Lko)

19. P.K. Roy, aged about 53 years, son of Late
S.K. Roy, r/o 17, Sarjoni Devi Lane, Magboulganj,
Lucknow (MRS No. 400047)

20. A.K. Banerjee, aged about 49 years, son of
Late L.M. Banerjee, r/o 87/14, Rissaldar Park,
Lucknow (MRS No. 450047)

21. J.L.Sharma, aged about 54 years, son of Late
B.D.Sharma, r/o 551/324, Om Nagar, Alambagh,
Lucknow (MRS No.450412)

22. D.K.Choudhury, aged about 47 years, s/o Late
K.N.Choudhury, r/o 25/4, Uman Road, Sadar,
Lucknow (CHLZ Lko)

23. B.B.Lal, aged about 48 years, son of Late
B.N.Lal, r/o 342/89, Naubasta, Lucknow
(CHLZ Lko)

24. P.K.Bhatnagar, aged about 51 years, son of
Sri S.K.Bhatnagar, r/o 26, Targali Husainganj,
Lucknow (CHLZ Lko).

25. D.C.Srivastava, aged about 49 years, son of
Sri K.S.Srivastava, r/o A/10 Phase-II Takait Rai
Behem, Lucknow (MRS No.223066)

26. P.N.Dixit, aged about 54 years, son of Sri
B.N.Dixit, r/o village and post Utrathy,
district Lucknow (CHLZ Lko)

27. Mohd.Jaffar, aged about 52 years, son of Late
Ahmad Ali, r/o 551 K/345 Azad Nagar, Alambagh,
Lucknow (CHLZ Lko)

28. C.P.Kharbada, aged about 53 years, son of
Late Dharampal, r/o 54/3 Chander Nagar, Alambagh,
Lucknow (MRS No.302641)

29. Bishwambhar Nath, aged about 50 years, son
of Late Chhotay Lal, r/o 554-Kha/45 Bishwanar
Nagar, Alambagh, Lucknow (CHCC LKO.)

30. U.S.Kureel, aged about 50 years, son of
Sri Khushal Kureel, r/o E-1292 Rajajipuram,
Lucknow (CHCC LKO.)

31. R.S.B. Srivastava, aged about 51 years, son of Late B.L. Srivastava, r/o D-320 Rajajipuram, Lucknow (G.R. (West) IKO).

32. S. Vishwakarma, aged about 44 years, son of Late Bageshwar Vishwakarma, r/o 554 Kna/58 Bishwar Nagar, Alambagh, Lucknow (CECC IKO)

33. Narendra Deo, aged about 53 years, son of Late Krishna Dayal, r/o 76/4 Tilak Nagar, Lucknow (MRS No. 445305).

34. R.D. Chandola, aged about 53 years, son of Sri Chet Ram Chandola, r/o K-529/229/23

Pant Nagar, Colony, Khurram Nagar, Lucknow (MRS No. 450046)

35. P.N. Srivastava, aged about 47 years, son of Late H.P. Srivastava, r/o 91, Sarpotganj, Tell Bagh, Lucknow (MRS No. 450420)

36. O.P. Kohli, aged about 56 years, son of Late Pindi Dass Kohli r/o 219 L.D.A. Colony, Kanpur Road, Lucknow (MRS No. 232032)

37. Madan Lal Sharma, aged about 47 years, son of Late B.L. Sharma, r/o D-181/3 Bahadurshah Marg, Sultampur Road, Lucknow (CHZ IKO)

38. Bechan, aged about 52 years, son of Late Munna Lal, r/o 119/102 Hata Darbari Lal Kandhari Bazar, Lucknow (MRS No. 400143)

39. Noor Ali, aged about 47 years, s/o Late Hassan Ali, r/o HS-I 352, Sitapur Road Scheme, Aliganj, Lucknow (MRS No. 441271)

40. Daya Pal Singh, aged about 49 years, son of Late Sampuran Singh, r/o 551/CIL/15 Ga/3, New Sardari Khara, Alambagh, Lucknow.

41. H.C. Arora, aged about 53 years, son of Late
Har Bhagwan Dass, r/o 92, Anand Nagar, Jall Road,
Lucknow. (MES No. 400054)

42. Amar Nath Agrawal, aged about 45 years, son of
Late H.N. Agrawal, r/o 572, Bahukara, Bareilly.
(MES No. 439506)

43. G.C. Joshi, aged about 52 years, son of Sri
K.D. Joshi, r/o Anand Kuti No. 5 Balant Hillan
Mallital, District Naimitai (MES No. 441102)

44. J.B. Singh, aged about 39 years, son of Late
Kripal Singh, r/o Prem Nagar, Bareilly.
(MES No. 439506)

45. Ramesh Chander, aged about 37 years, son of
Sri Arjun Dass, r/o 90-B Model Town, Bareilly
(MES No. 441096)

46. G.K. Sharma, aged about 49 years, son of Late
T.R. Sharma, r/o 15/311 Subhashnagar, Bareilly
(MES No. 146424)

47. M.H. Khan, aged about 54 years, son of XXX
Sri Mahboob Hassan Khan, r/o Mohalla Halwand
Jalainagar, Shahjahanpur (MES No. 405170)

48. Trilok Singh, aged about 54 years, son of Late
S. Pratap Singh, r/o C/O CR BZ Bareilly
(MES No. 450251)

49. R.C. Chandram, aged about 52 years, son of Late
G.C. Chandram, r/o B-2706 Rajajipuram, Lucknow
(MES No. 425085)

50. P.C. Bhatta, aged about 57 years, son of Late
Deoki Nandan, r/o 401 Old Housing Board Colony,
Karnal Haryana (MES No. 223744)

51. Smt. Menorama Gupta, aged about 35 years, wife

- of Late B.D. Gupta, r/o 106 Khairulla Gali, Bara Bazar, Bareilly. (MES No. 455509)
52. Daljeet Singh, aged about 51 years, son of Late S. Manmohan Singh, r/o House No. 88, Patel Nagar, Lucknow (MES No. 450154).
53. V.K. Chaudhary, aged about 43 years, son of Late Sri R.L. Chaudhary, r/o House No. 884, Badripura, Haldwani district Nainital (MES No. 407086)
54. K.C. Sikri, aged about 52 years, son of not known, r/o House No. 126 Koharapur Bareilly (MES NO. 237519)
55. S.K. Sharma, aged about years, son of Sri Brahanandan, r/o Chhota Bamanpuri, Bareilly (MES 440197)
56. M.M. Bhatt, aged about years, son of Late Gobardhan Bhatt, r/o village P.O. Bishan district Pithauragarh (MES No. 450048)
57. M.P. Singh, son of Sri S. Niranjan Singh, r/o 84-A Model Town, Bareilly (MES No. 430208).
58. J.S. Rawant, aged about 45 years, son of Late S.S. Rawat, r/o village Matgal P.O. Pokhra. district Pauri Garhwal. (MES No. 307944) .
59. P.S. ^{ASWAL} ~~Agarwal~~, aged about 51 years, son of Late A.S. Agarwal, r/o 2, Serpentine Road, Bareilly (MES No. 400051)
60. N.K. Chawla, aged about 50 years, son of Late Sant Ram, r/o C-245/3, Rajendra Nagar, Bareilly (MES No.)
61. M.D. Kandpal, aged about 51 years, son of Late Narottam Kandpal, r/o T/150/1 Cross Road, Bareilly Cantt (MES No. 441090)

62. T.D.Gulati, aged about 50 years, son of Late
Kham chand Gulati, r/o Kulharapir, Bareilly
(MES No.441106)
63. Prem Swarup, aged about 46 years, son of Late
Mahesh Nand, r/o T/42/3 Serpentine Road, Bareilly
Cantt (MES No.441106)
64. R.K.Srivastava, aged about 52 years, son of
Dr.Nanak Chandra Srivastava, r/o AGE(1) Lansdowne,
Bareilly (MES No.441095)
65. N.K.Srivastava, aged about 54 years, son of
Sri S.S.Lal, r/o c/o CWE Office Dehradun
(MES No.302023)
66. R.L.Mata, aged about 52 years, son of Sri S.D.
Mata, r/o 11 Kalagarh Road, Rajendra Nagar,
Dehradun (MES No.460407).
67. D.K.Vatsa, aged about 51 years, son of Sri
Jai Dayal, r/o CWE(P), Dehradu (MES No.460039)
68. Shridhar Prasad Kukreti, aged about 47 years,
son of Sri Ram Chandra Kukreti, r/o House No.81,
Bell Road, Clement Town, Dehradun (MES No.223420)
69. S.M.Maithal, aged about 57 years, son of Late
V.P.Maithal, r/o B-31A Arjun Moh. Ganesh Galli,
Mauzpur, Delhi-53 (MES No.460023)
70. B.S.Kunwar, aged about 55 years, son of ~~XXXX~~
Sri Bhawan Singh Kunwar, r/o CWE Office, Dehradun
(MES No.260062)
71. D.D.Pandey, aged about 54 years, son of Sri
H.D.Pandey, r/o GE Clement Town, Dehradun
(MES No.400066)
72. Mohan Singh, aged about 47 years, son of Sri
Bahadur Singh, r/o CWE Office, Dehradun (MES 456329)

73. Tek Chand, aged about 45 years, son of Sri
Baldhu Ram, r/o GE(P) No. 1 Balpur, Dehradun
(MRS No. 406293)

74. D.D. Joshi, aged about 53 years, son of Late
B.B. Joshi, resident of CWR Office, Dehradun
(MRS No. 456219)

75. Pooran Lal, aged about 50 years, son of
Sri T.R. Amja, resident of C-3/388 Janak Puri,
New Delhi (MRS No. 446227)

76. Jagdish Chandra Khatri, aged about 60 years,
son of Ch. Pokhar Das Khatri, resident of C-3/7,
Chander Nagar, Dehradun (MRS No. 441086)

77. Ramesh Chandra Khanna, aged about 61 years,
son of Late Bhagwan Das Khanna, resident of
12/5 Wing-1 Prem Nagar, Dehradun (MRS No. 223340)

78. Rajendra Kumar, aged about 44 years, son of
Late Raghunandan Prasad Saxena, r/o CWR Office,
Dehradun (MRS No. 447664)

79. Bhooop Ram, aged about 47 years, son of Sri
Behari Lal, r/o CWR Office, Dehradun (MRS No. 447663)

80. L.D. Upadhyay, aged about 28 years, son of Sri
Shanker Dutt, r/o CWR(P) Office, Dehradun (MRS No. 4701)

81. M.B. Srivastava, aged about 63 years, son of Late
NKK Iyengar, K-16, Hathital, Jhalpur (MRS No. 407280)

82. S.C. Agarwal, aged about 47 years, son of Sri
L.C. Agarwal, r/o 633, East Kalya Pathar, Jhalpur
(MRS No. 232106)

83. Shiva Kumar Nema, aged about 52 years, son of
Sri Jivan Lal Nema, r/o LIG 69 Shivanagar, Damoh

Road, Jabalpur (MBS No. 407044)

84. D. G. Kotte, aged about 49 years, son of Ganpat Kotte, resident of M-196 Shivanagar, Damoh Road, Jabalpur (MBS No. 408271).

85. P. N. Dahake, aged about 54 years, son of Late Narayan Dahake, r/o M-63 Shivanagar Damoh Road, Jabalpur (MBS No. 407021).

86. Kallacharan Ram, aged about 49 years, son of Late J. Ram, r/o M-109 Shivanagar, Damoh Road, Jabalpur (MBS No. 432135)

87. Naikhan Singh, aged about 54 years, son of Late Ram Nath Singh r/o 657/1, Geeta Badan, Nathatal Colony, Jabalpur (MBS No. 407212)

88. K. K. Mahule, aged about 60 years, son of Late K. Mahule, r/o 632 Bhakti Nagar Guptheswar, Jabalpur (MBS No. 405049)

89. M. D. Bakana, aged about 60 years, son of Brl Prabhu Dyal Bakana, r/o TC/16 MBS Colony, Jabalpur (MBS No. 450045)

90. R. K. Dant, aged about 54 years, son of Brl K. M. Dant, r/o TC/2 MBS Colony, Hidge Road, Jabalpur (MBS No. 407211).

91. C. M. K. Naidu, aged about 53 years, son of Brl C. J. Naidu, r/o 1st Gopal Nivas, House No. 809/5 KH NO 222/5 New Prem Nagar, Akhera, Jabalpur (MBS No. 409825)

92. Suprat Ghosh, aged about 53 years, son of Late N. M. Ghosh, r/o 479/2 Pansari Mohalla, Gorkhpur Jabalpur (MBS No. 450260).

93. Ram Chandra Amritrao Gotevale, aged about 47 years, .. 10

- son of Late Amritrao Gotewale, r/o RA Gotewale,
723, Madan Mahal, Jabalpur (MRS No. 407017)
94. R.K. Dwivedi, aged about 47 years, son of Late
B.L. Sharma, r/o H.No. 1065 Hathital, Jabalpur MRS No.
(400381)
95. A.K. Verma, aged about 50 years, son of Late
S.P. Verma, r/o H.No. 773 Ramlila Ground, Garha,
Jabalpur (MRS No. 407270)
95. Surendra Keshava Chande, aged about 54 years,
son of Sri Keshava Ramchandra Chande, r/o 464
Ramnagar Rampur P.O. Vidyut Nagar, Jabalpur
(MRS No. 418038)
97. K.K. Jha, aged about 47 years, son of Late
Chandrakant Jha, r/o Qr.No. 3525-A, Sector 2
Vehicle Factory, Jabalpur (MRS No. 263143)
98. Arjun Prasad, aged about 48 years, son of
Sri Ram Deo Singh, r/o c/o GB Danapur Cantt.,
(MRS No. 466505)
99. Khushi Ram, aged about 52 years, son of Late
Meri Lal, r/o Haider Road, Koker Nagar Near
Thread Factory, Ranchi (MRS No.)
100. S.L. Keshri, aged about 43 years, son of Shri
Rameshwar Prasad Keshri, r/o Anand Bazar Danapur.
101. S.K. Singhal, aged about 54 years, son of Shri
Shanti Swaroop Singhal, r/o MRS Quarter Cantt
Meerut.
102. Sarfaj Alam Khan, aged about 58 years, son of
Late Aftab Khan, r/o 139 Karai Ganj B.C. Bazar,
Meerut Cantt. (MRS No. 405177)
102. Shakil Ahmad, aged about 52 years, son of Late

Munshi Nazir Ahmad, r/o MES Quarter Cantt Meerut.

104. Ved Prakash Gupta, aged about 52 years, son of Sri Dev Dutt, r/o MES Quarters Cantt Meerut.

105. Jaswant Kumar Garg, aged about 52 years, son of Late B.P. Garg, r/o 29-J Bimal Meerut.

106. Surjeet Singh, aged about 52 years, son of Late Shiv Darshan Singh, r/o MES Quarters Cantt. Meerut.

107. P.C. Rajwar, aged about 47 years, son of Late H.C. Rajwar, r/o MES Quarters Meerut.

108. Smt. Gursaran Sharma, aged about 42 years, wife of Sri R.K. Sharma, r/o LD-122.B Rose Road, Alambagh, Lucknow

109. Ramchandra K.K., aged about 51 years, son of Late Krishnachandra K.K., r/o 63/4, Kings Market, Mall Road, Kanpur (MES No.450120)

110. Sewa Ram Aro⁷ah, aged about 50 years, son of Late Thakur Dass, r/o Block No.11 Quarter No.42, 60/A, Govindnagar, Kanpur (MES No.450137)

111. Manbir Singh, aged about 49 years, son of Late Khanjan Singh, r/o 33/A, Adarsh Nagar, Alamnagar, Lucknow.

112. Ajeet Saxena, aged about 42 years, son of Sri S.N. Saxena, r/o G.E. R/M Maharajpur.

113. A.K. Saxena, aged about 51 years, son of Late Jai Narain, r/o Nanda Nagar, Gorakhpur.

114. K.P. Sharma, aged about 50 years, son of Late Gobardhan Sharma, r/o MES Colony, Gorakhpur.

115. N.L. Kannaujiya, aged about 48 years, son of

K. L. Kannaujia, r/o 147B, C. Bazar, Dikusha, Lucknow

(MES No. 400399)

116. B. P. Baunthiyal, aged about 49 years, son of Sri Bhoja Dutt

Baunthiyal, r/o MES Quarters Gopalpur (MES No. 436044).

115. P. D. Sharma, aged about 50 years, son of Sri Hand Khenore

Sharma, r/o Civil Lines, Bareilly (MES No. 430869)

118. B. N. Pandey, aged about 46 years, son of Sri Haridat Ram

Pandey, r/o 71/72 Lower Enclaves, Separated Family Quarters,

Patna.

115. Satya Prakash, aged about 50 years, son of late Ram

Chandra Sinha, r/o 122 Khandhari Bazar, Patna.

(MES No. 450121).

113. Sankata Prasad, aged about 51 years, son of Sri Vinayachand

Patil, r/o Awasthi Colony, Banthara Nemaux (MES No. 467061).

112. J. S. Negi, aged about 43 years, son of late Dhayan Singh

Negi, r/o Subhash Nagar, Roorkee (MES No. 455246).

122. M. Moolchandani, aged about 56 years, son of late

C. K. Moolchandani, resident of 45/6 Nigler Road Colony

Part-I Thakurganj, Lucknow.

122. B. P. Gupta, aged about 54 years, son of late B. D. Gupta

resident of 85/87 Bhakarghat, Kanpur.

122. Manjit Singh Dhali, aged about 45 years, son of a Prison

Singh, r/o C. E. R. Maharaipur Gwalior.

125. V. K. Sehgal, aged about 49 years, son of late Sri S. L.

Sehgal, r/o D/150 Sector D. B. IDA Colony, Kanpur, Road,

Lucknow.

126. L. P. Sharma, aged about 52 years, s/o Late Murlidhar, R/o

G. E. (M. E. S) MATHURA.

....Applicant.

(By Advocate Shri J. P. Mathur)

Versus.

1. Engineer-in-Chief, Army Head Quarter, New Delhi.

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2. Chief Engineer, Central Command,
Lucknow Cantt. ... Respondents.

(By Advocate Shri G.S. Sikarwar)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J).

In this application which has been pending since 12.10.1992, the applicants who are working in various Divisions of MES, have prayed for parity in pay on the principles of "equal pay for equal work" notionally w.e.f. 1.1.1973 and actually w.e.f. 16.11.1978. They have also relied on the Award dated 20.6.1980 in respect of what they claim are similarly situated employees of CPWD.

2. We have heard both the learned counsel for the applicants and the learned counsel for the respondents.

3. Shri J.P. Mathur, learned counsel for the applicants has relied on a number of decisions which have been rendered by the Hon'ble Supreme Court and this Tribunal during the pendency of this application, namely, Union of India & Ors. and Ors. Vs. Debashis Kar & Ors. (1995 Supp (3) SCC 528); Nain Singh Bhakuni & Ors. Vs. Union of India & Ors. (1998 (3) SCC 348) and the judgement of this Tribunal (Hyderabad Bench) in S.V.P. Halakatti Vs. Govt. of India & Ors. (1989 (9) ATC 758).

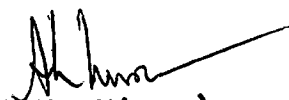
4. Before going into merits of the case, it is noticed that the O.A. suffers from^a legal lacuna, that necessary party

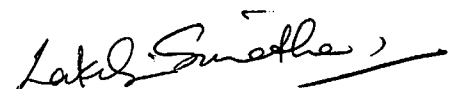
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has not been impleaded, namely, the Union of India. Therefore, on this ^{legal} ~~technical~~ ground, the O.A. is liable to be dismissed.

5. However, considering the fact that the application has been pending for more than nine years, and the aforesaid judgements relied upon by the learned counsel for the applicants, we consider that it would be proper to dispose of this application with the following directions:

"The applicants may submit a self contained representation, giving references to the documents they rely upon to enable the respondents impleaded in the O.A. to take appropriate decision in the matter, in consultation with the Govt. of India, Ministry of Finance, keeping in view the relevant judgements of the Hon'ble Supreme Court in the aforesaid cases. The applicants seek and are allowed one month time to submit their representation from today. The respondents are granted six months ^{hereafter} to consider the representation and pass a reasoned and speaking order, with intimation to the applicants. No order as to costs.


(A.K. Misra)
Member(A)


(Smt. Lakshmi Swaminathan)
Vice Chairman(J)

'SRD'