

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GULESTAN BLDG. NO.6, PRESCOT RD, 4TH FLR,

MUMBAI - 400 001.

ORIGINAL APPLICATION NOS: 793/96 with

1206/96, 461/94, 194/97, 195/97,

348/97 and 334/97.

DATED THIS 6/2 DAY OF JUNE, 97.

CORAM: Hon'ble Shri B.S. Hegde, Member (J).

Hon'ble Shri M.R. Kolhatkar, Member (A).

I. 1) V.D.Prabhune,  
H.No.1420-B,  
Sadashiv Peth,  
Block No.17,  
Prabhu Shriram Apptt,  
Pune - 411 030.

2) R.D.Nerlekar,  
A/9, Sheetal Apartments,  
Modern Colony,  
Paud Road,  
Pune - 411 038.

3) M.M.Gandhi,  
530/A-2, Narayan Peth,  
Pune - 411 030.

4) M.K.Pathak,  
1307, Sadashiv Peth,  
Near Shivaji Mandir,  
Pune - 411 030.

5) M.G.Desai,  
'AMOD', 2-A,  
Shikshak Nagar,  
Paud Road,  
Pune - 411 038.

6) Mrs. K.M.Dani,  
711, Sadashiv Peth,  
Khalkar Talim Chowk,  
Kumathekar Road,  
Pune - 411 030.

(Applicants in OA-793/96)

By Advocate Shri S.P.Saxena.

II.1. Shankar Dinkar Imamdar,  
36, Shankarpura Peth,  
Mahajan Wada,  
Taluka : Junnar,  
District : Pune - 410 502.

2. Laxman Narayan Varade,  
71/1, Kamal Housing Colony,  
Navalenagar, Gulmohar Road,  
Ahmednagar - 414 001.

(Applicants in OA-1206/96)

By Advocate Shri S.P.Saxena.

III.1. Keezhalipurath Kelu Nair,  
Indian inhabitant, residing at  
B/4, Flat, IIInd Floor,  
Motiniwas Co-op. Hsg. Scy. Ltd.,  
Ambadi Road, Vasai Road, P.O.,  
Vasai (W), Dist. Thane-401202.  
Maharashtra.

2. N.Ramanna Shetty, of Bombay,  
Indian inhabitant, residing at  
Ashirwad Building(Be-Nazir),  
17/6-Haridevibai Society,  
Gumpha Road, Mogeshwari East,  
Bombay - 400 060.

3. Karuvakkal Chandran Nair,  
residing at No.1-Basweswar Co-op. Hsg.  
Scy. Ltd, Mathre Nagar, Rajaji Path,  
Dombivili (East)- 421 201.  
District Thane, Maharashtra.

4. Ramachandra Gajanan Kulkarni,  
residing at Sector-VII,  
RHT/H.10, Vashi,  
New Bombay, District.Thane,  
Maharashtra.

5. Jappu Shankar,  
residing at  
F/1, Balakrishna Co-op. Hsg.  
Scy. Ltd., 3rd Floor,  
Opp. Seven Bunglows Bus Depot,  
Andheri (W), Bombay - 400 058.

6. Smt. Sheela D. Jaywant,  
w/o. Late Shri Digamber Narayan Jaywant,  
residing at No.9,  
Sheetal Society,  
Opp. Ashok Baug, Panvel-410 207.  
Raigad District, Maharashtra.

7. Gopal Krishna Auchat,  
residing at Mathura Cottage,  
Tadwadi (Opp. South Post Office),  
Ambernath - 421 501.  
District Thane, Maharashtra.

8. Smt. Manorama Bade,  
W/o. Late Shri Rajaram Ganesh Bade,  
C/o. Mr. Kishore B. Bade,  
Tarapur Atomic Power Station,  
Type-II/20/3, BOISAR - 401504.  
District Thane, Maharashtra. (Applicants in OA.461/94)

By Advocate Shri S.R. Singh.

IV.1. K.V. Vasudevan,  
residing at : 17/2, Konark Nagar,  
Viman Nagar, Pune - 411 014.

2. T.K.Nair,  
Residing at: Hyma Niwas,  
Survey No.235 A, Plot No.B-6,  
Puru Co-op. Hsg. Scy. Ltd.,  
Lohagaon, Pune-411 032. (Applicants in OA.194/97)

By Advocate Shri S.P. Saxena

V. 1. P.K.Nair,  
125, Rasta Peth,  
Pune - 411 011. (Applicant in OA.195/97)

By Advocate Shri S.P.Saxena.

VI.1. N.Raman,  
27, Shreyas Society,  
B/H, Mira Society,  
Shankerseth Road, Gultekdi,  
Pune - 411 037. (Applicant in OA.348/97)

By Advocate Shri S.P.Saxena

VII.1. N.R.Murthy,  
245, Somwar Peth,  
Pune - 411 011. (Applicant in OA.334/97)

By Advocate Shri S.P.Saxena.

V/s.

1. The Union of India,  
Through The Secretary,  
Ministry of Defence,  
DHQ PO, New Delhi - 110 011.

2. The Engineer-in-Chief,  
Army Headquarters,  
Kashmir House,  
New Delhi - 110 011.

3. The Chief Engineer,  
Southern Command,  
Pune - 411 001.

(Respondents in OAs. 793/96,  
1206/96, 461/94, 194/97,  
195/97, 348/97 and 334/97).

(By Advocate Shri R.K.Shetty)

1. The Chief Engineer,  
Poona Zone,  
Pune - 411 001.

(Respondent in OA No.334/97).

2. The Commandant,  
College of Military Engineering,  
DAPODI, Pune - 411 031. (Respondent in OA No.334/97).

3. The Commandant,  
National Defence Academy,  
Khadakwasla,  
Pune - 411 023. (Respondent in OA No.195/97).

By Advocate Shri R.K.Shetty.

I O R D E R I

( Per Shri B.S.Hegde, Member (J) )

The issue involved in all these OAs are similar and the applicants are praying for the following relief:-

- (a) to direct the Respondents to reclassify the Applicants as Clerk Upper Division with effect from 1/1/47.
- (b) to direct the Respondents to refix the pay in the scale of Clerk Upper Division from 1/1/1947 and grant annual increments as and when due.
- (c) to direct the Respondents to calculate the difference of arrears of pay arising out of above clauses (b) due to re-fixation, and pay 60% of the amount to the Applicants in terms of the order of the Supreme Court, as ordered by the Central Administrative Tribunal in Original Application No.1037/1992.
- (d) to direct the Respondents to review the case of promotion from U.D.C. to Office Supdt. and antedate the same.
- (e) to direct the Respondents to recalculate all the pensionary benefits and pay the arrears in terms of 60% liability for the same.
- (f) to give all other consequential benefits arising out of above.
- (g) to pass any other just and equitable orders which may be necessary in the facts and circumstances of the case.

2. Some of the applicants who are similarly situated like the present applicants have approached the Tribunal by filing the OA on the basis of the letter issued by respondents dated 8/6/94. The Tribunal while allowing the OA No.1037/92 passed the orders dated 15/4/96 and 29/9/95 respectively., since the applicant has retired from service, the monetary benefits regarding difference in pay and allowances was restricted to three years prior to filing of the OA. So far as pensionary and other benefits such as prepromotion, re-fixation, seniority recalculations of pension and gratuity, etc the respondents were directed to carry out the same in accordance with their order dated 8/6/94

by virtue of which, those who are similarly situated to that of the applicant have been given the benefits and the same be done within a period of six months from the date of receipt of this order.

3. In a subsequent order, it is made very clear that the applicant stands in the same footing to that of others referred to in their letter dated 8/6/94 and therefore, the benefits cannot be denied to him, and as such directed the respondents to make payments within three months from the date of communication of this order. It was further stated, that by virtue of Supreme Court's order, dated 4/11/1987 in Civil Appeal No. 4201/85 that even if the person is dead, the amount due to him shall be paid to his legal representatives and it is uncharitable on the part of the respondents to refuse the payment. Therefore, in the light of the above observations, the respondents are directed to make the calculations and treating the applicants as U.D.C. with effect from 1947 onwards.

4. The applicants case is similar to others, as was directed by the Tribunal in all respects and in accordance with the letter of respondents dated 8/6/94 and therefore, they are entitled to same benefits. There is no dispute regarding averments and the facts stated therein.

5. In the light of the above, since most of the applicants are retired from service and the payment due to them has not been disbursed though entitled. In support of his contention, the Learned Counsel for Applicant Shri S.P. Saxena furnished the details of the applicants which are given below:-

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

C.P.No.88/2001 in  
O.A.No.1206/96

Dated this Friday the 23rd Day of November, 2001

Hon'ble Shri Justice Birendra Dikshit, Vice Chairman  
Hon'ble Shri B.N. Bahadur, Member (A).

Shri S.D. Inamdar, UDC Retd.  
Residing at 36, Shankar Pura Peth,  
Mahajan Wada, Tal, Junnar,  
Dist. Pune-410502.

Shri L.N. Varade, UDC Retd.,  
Residing at 71/1, Kamal Housing  
Colony, Navale Nagar,  
Gulmohar Road,  
Ahmednagar - 414001.

.. Petitioners  
(Original Applicants)

(By Advocate Shri V.S. Singh  
holding the brief of Mr.K.K.  
Waghmare).

VERSUS

1. Shri Yogendra Narayan,  
Secretary,  
Min. of Defence,  
Raksha Bhawan DHQ PO,  
New Delhi - 110 011.

2. Lt.Gen Hari Uniyal,  
Engineer in Chief  
Engineer in Chief's Br.  
Army Headquarters,  
DHQ, P.O., New Delhi-110011.

3. Maj.Gen. Narendra Prakash Aul,  
Chief Engineer Southern Command,  
Pune - 411 001.

.. Contemnors  
(Original Respondents)

(By Advocate Shri R.R. Shetty  
holding the brief of Mr.R.K. Shetty).

*R. C. Shetty*

- 2 -

ORDER (ORAL)

Heard Counsel for the applicant. Respondents have filed an affidavit dated 8.11.2001 on 9.11.2001 wherein it is stated that the judgment has been fully complied with. The Counsel for the applicant has also stated that the applicant's claim has been fully complied with. Counsel for respondents has tendered unconditional apology for the said delay. No apology is necessary in this matter as we are satisfied that there appears no wilful dis-obedience of Order. Under the above circumstances no such action is required to be taken, notices to respondents are dropped and Contempt Petition No.88/2001 is dismissed. No costs.

B.N.Bahadur

( B.N. Bahadur ),  
Member (A)

B. Dikshit

( Birendra Dikshit )  
Vice Chairman.

H.

⑥<sup>4112</sup>  
order of 23/11/01  
to ~~Applicant~~ respondent(s)  
on 18/12/01

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