

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH.

Original Application No.333/2001.

Tuesday, this the 28th day of August, 2001.

Hon'ble Shri Justice Ashok Agarwal, Chairman,
Hon'ble Smt. Shanta Shastri, Member (A).

Mrs. Padmini K. Nambiar,
2/31, Patil Estate,
Bombay Pune Road,
Shivaji Nagar,
Pune - 411 005.

(By Advocate Shri K.K. Waghmare)

...Applicant.

v.

1. The Union of India
through the Secretary,
Ministry of Defence,
DHQ No.
New Delhi - 110 011.
 2. The Engineer-in-Chief,
Army Head Quarters,
Kashmir House,
DHQ No.
New Delhi - 110 011.
 3. The Chief Engineer,
Southern Command,
Pune - 41 001.
 4. The Chief Engineer,
Pune Zone,
Pune - 411 001.
 5. The Commander Works Engineer,
Mayo Road,
Pune.
- (By Advocate Shri R.R. Shetty for
Shri R.K. Shetty)

...Respondents.

: O R D E R (ORAL) :

Smt. Shanta Shastri, Member (A).

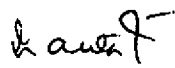
The applicant in this OA is aggrieved by the inaction of the Respondents in not extending the benefit granted to similarly situated employees under the same respondents like her husband Shri K.K. Nambiar in terms of the Judgment delivered by the Hon'ble High Court of Bombay, High Court of Madras, as well as Madras, Calcutta and Bombay Benches of the Tribunal and the

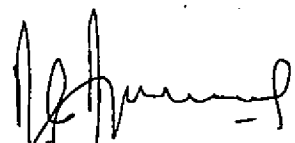
Supreme Court of India in Civil Appeal No. 4201/1985.

2. The applicant is the widow of Late Shri K.K.Nambiar. She has sought a direction to the respondents to re-classify her Late husband from the post of 'B' Grade Clerk to that of UDC. The applicant's husband had initially been employed as LDC in 1942 and in 1994 he was re-classified as 'B' Grade Clerk. On the recommendations of the First Pay Commission (Varadhacharya Pay Commission) 'A' and 'B' grade Clerks were re-designated as UDC w.e.f. 1.1.1947. However, the applicant's late husband was not granted this benefit and he was classified and equated with LDC in a lower pay scale. The applicant's husband retired as Administrative Officer Gr.II in 1983 and he expired in 1985. In the meantime, similarly placed persons approached different Courts including the High Courts of Madras, Calcutta and Bombay who granted the relief to all the applicants who were 'B' grade Clerks to be redesignated as UDC w.e.f. 1.1.1947. The government had filed SLP in the Supreme Court against the Judgments of the High Courts. The Supreme Court dismissed the SLP and directed that while granting pay fixation in UDC's scale w.e.f. 1.1.1947, the actual payment of arrears of pay etc. should be restricted to 60%. Thereafter, several similarly placed persons have approached this Tribunal in different OAs seeking the same reliefs and the benefit of the directions given by the Supreme Court. While allowing these OAs, this Tribunal, however, had initially restricted the actual payment of arrears to 50% instead of 60% granted by the Supreme Court. Similar OAs came to be filed in the Principal Bench of this Tribunal at Delhi. The Principal Bench, however, allowed the payment of

...3.

arrears restricting it to three years prior to the filing of the OA. The same was carried to the Hon'ble Supreme Court and the Hon'ble Supreme Court did not interfere with the orders of the Principal Bench of the Central Administrative Tribunal. The Learned Counsel for the respondents pleads that in the present case, the arrears may be restricted to one year prior to the filing of the OA. // Since we are bound by the Judgment of the Hon'ble Supreme Court, as well as, orders of different Benches of this Tribunal including a Division Bench of Mumbai Bench, we are also inclined to grant the relief sought by the applicant and accordingly the pay of the Late husband of the applicant shall be fixed by the Respondents w.e.f. 1.1.1947 in the scale of UDC with all consequential benefits such as promotions etc. However, the payment of arrears arising out of the pay fixation shall be restricted to three years prior to the filing of the OA. The family pension of the applicant also shall be revised accordingly and the arrears shall be restricted as above. This be done by the respondents within six months from the date of service of a copy of this order. The OA is accordingly allowed. No costs.


(SHANTA SHASTRY)
MEMBER(A)


(ASHOK AGARWAL)
CHAIRMAN

B.