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CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

Original Application No. 251 of 1989

Rajpal Sehgal

Applicant

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.

Feeling aggrieved against the order dated 23.9.87 issued on behalf of the General Manager, Ordnance Factory, Kanpur, fixing the pay of the applicant in the scale of Rs 425-700, at Rs 440/- and non fixation of the pay w.e.f. 1.7.1974 in the pay scale of Rs 550-750 the applicant has approached this Tribunal. The applicant was in the pay scale of Rs 205-280 and after revision of pay scale, as a result of the recommendation of the Third Pay Commission it was revised to Rs 330-560 and 425-700 and 50% of the Senior draughtsman were given the pay scale of Rs 330-560 and remaining 50% were given the higher pay scale of Rs 425-700 with effect from 1.1.1973. In the mean time, the Hon'ble Supreme Court vide judgment dated 1.5.1985 in Civil Appeal No. 3121 of 1981 P. Savita and others vs. Union of India & others. those Senior Draughtsmen in the lower pay scale of Rs 330-560 were placed in the higher pay scale of Rs 425-700. The applicant's pay was accordingly fixed in the pay scale of Rs 425-700 retrospectively w.e.f. 1.1.73 in view of the Hon. Supreme Court judgment.

2. The applicant was selected for Departmental Instructor Training at the Ordnance Factory Training, Institute, Ambernath for two years. After successful completion of the training, he became entitled to the next higher grade of Chargeman grade II. i.e. Rs 250-380 w.e.f. 1.7.1974 and ~~he~~ was granted the pay scale of Rs 425-700 w.e.f. 1.7.1974 being the next higher grade than the grade of the applicant as Senior Draughtsman w.e.f. 1.7.74. As the applicant's pay scale was retrospectively revised from Rs 330-560 to Rs 425-700, w.e.f. 1.1.1973, as per conditions of the training the applicant's claim is that he is entitled to the scale of Rs 550-750, after completion of training, but the same has not been done and that is why he has approached this Tribunal.

3. The respondents have opposed the application. According to them, the applicant was placed in the lower pay scale of Rs 330-560 w.e.f. 1.1.73 but as a result of the Supreme Court decision, ~~the applicant~~ ^{he} was given higher scale, vide order dated 10.12.1985. The pay fixation case of the applicant was re-examined at Rs 440/ and his pay was fixed/in the scale of Rs 425-700 w.e.f. 1.1.1973 as he opted revised scale of pay w.e.f. 1.1.73 under CDS(RP) Rules, 1973. The applicant was graded as Chargeman grade II(T) w.e.f. 1.7.1974 but as he has already been graded as Chargeman grade II(T) in the

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pay scale of Rs 425-700 w.e.f. 1.7.1974 after completion of his training and ~~as~~ he cannot claim double benefit of revised pay from Rs 330-560 to Rs 425-700.

4. The fallacy lies in the case, ^{of respondents} ~~of~~ in view of the Supreme Court ^{decision} in P. Savita (Supra) ^{case} original discrimination was struck down between Draughtsmen in the lower scale, with the result that the draughtsmen in the lower scale were given higher scale. The applicant became entitled to the higher grade and he should have been deemed in the grade of Rs 425-700 w.e.f. 1.1.73 when he became entitled to higher grade. The respondents committed ^{error} ~~a mistake~~ ^{wrongly} and took the later date i.e. 1.7.74 ^{at starting point}. Accordingly, this application deserves to be allowed and the respondents are directed to give grade of Rs 550-750 w.e.f. date of completion of training by the applicant. Let it be done within a period of three months and arrears and other benefits may be given within another three months. NO order as to costs.

Shakeel/-

Lucknow: Dated 22.1.93.


Vice Chairman.