

1/1/95

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO:363/94

Dated, this Tuesday the 2nd day of November 1999.

Shri R.S.Gaikwad & 2 Ors. Applicant.

Shri.K.D.Keikar Advocate for the
Applicant.

VERSUS

Union of India & 40rs. Respondents.

Shri R.K.Shetty Advocate for the
Respondents.

CORAM: HON'BLE SHRI JUSTICE R.G.VAIDYANATHA, VICE CHAIRMAN.

HON'BLE SHRI B.N.BAHADUR, MEMBER(A)

- (i) To be referred to the Reporter or not?
- (ii) Whether it needs to be circulated to other Benches
of the Tribunal?
- (iii) Library?

R.G.Vaidyanatha
(R.G.VAIDYANATHA)
VICE CHAIRMAN

abp

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MUMBAI BENCH
ORIGINAL APPLICATION NO:363/94
DATED THE 2ND DAY OF NOVEMBER,99.

CORAM:HON'BLE SHRI JUSTICE R.G.VAIDYANATHA, VICE CHAIRMAN
HON'BLE SHRI B.N.BAHADUR, MEMBER(A)

1. Shri Ramesh Sadashiv Gaikwad,
Employed as Draftsman Grade II,
working at Pune under
Chief Engineer, Pune Zone.
2. Shri Prakash Babasaheb Malusare,
Employed as Draftsman Grade II
working at Pune under Garrison
Engineer, Central Kirkee,Pune.
3. Shri S.V.Marathe,
Employed as Sr.Draftsman,
working under Garrison Engineer,
(P) (1) R & D, Pashan, Pune.

... Applicants

By Advocate Shri K.D.Kelkar

v/s.

1. Union of India,
Through Secretary,
Ministry of Defence,
South Block,
New Delhi.
2. The Engineer In Chief,
E In C's Branch, Kashmir House,
Army Head Quarters,
New Delhi-110 011.
3. The Chief Engineer,
Southern Command,
Rajendra Sinhji Road,
Pune-411 001.
4. The Chief Engineer,
Pune Zone, Manikji Mehta Road,
Pune-411 001.
5. The Chief Engineer(P),
R&D Picket,
Secunderabad - 500 003.

... Respondents.

By Advocate Shri R.K.Shetty.

...2.

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(ORDER) (ORAL)

(Per Shri R.G.Vaidyanatha, Vice Chairman)

This is an application filed by the applicants claiming the revised payscale from the date of their respective promotions and other consequential benefits. The respondents have filed reply opposing the application. We have heard the learned counsels appearing on both sides.

2. The applicants who are Draftsman, applicant No.1 and 2 are Draftsman Grade-II and applicant No.3 is Senior Draftsman, are claiming the benefit of revised payscales in pursuance of official memorandum dated 13/3/84. The applicants are working in the Military Engineering Service. We need not mention the facts of the case in detail since the question is covered by a direct decision of a Division Bench of this Tribunal to which one of us was a ~~party~~ ^{party} (R.G.Vaidyanatha) in OA-415/93 and connected cases. The Division Bench in judgement dated 29th July, 1999 granted revised payscales to the Draftsman of Military Engineering Service. The Draftsman of MES had filed OA-434/93 to which one of the applicants in the present OA viz. Shri R.S.Gaikwad was also a party. The Tribunal allowed the previous OA 434/93 with following directions:-

"1. The application is allowed. The applicants in this OA are entitled to the benefits of revised pay scale in terms of O.M. dated 13/3/1984.

11. The pay of the applicants shall be notionally fixed as on 13/3/1984 and then notionally fixed from time to time but however, the arrears of

monetary benefits shall be paid to the applicants since one year prior to the filing of the present application. Since the OA was filed on 30/4/1993, the respondents shall give the actual monetary benefits to these applicants from 1/4/1992 and onwards.

111. The direction in this order should be completed by the respondents within a period of six months from the date of receipt of a copy of this order."

3. In our view similar reliefs should be granted to the applicants also and the arrears should be restricted to one year prior to filing of the present OA. The present OA was filed on 31/1/94. Therefore, arrears will have to be granted one year earlier viz. from 1/2/93.

4. It is seen that the third applicant is Senior Draftsman on the date of filing of application. Earlier he was Draftsman Grade-I. He will also be entitled to whatever revision of pay-scales Dratsman Grade-I is entitled to ^{under} in 1984 official memorandum. Though / earlier, senior draftsman was higher than Draftsman grade-I, now we are told that draftsman grade-I and Senior Draftsman were merged ^{on 1/2/} in a policy decision dated 15/3/94. Therefore, the third applicant is entitled to whatever revision of pay-scales in the 1984 official memorandum in the previous grade as Dratsman Grade-I.

5. In the result, the application is allowed as follows:-

1. The applicants in this case are entitled to

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benefit of revised payscale in terms of official memorandum dated 13/3/1984.

2. The pay of the applicants shall be notionally fixed w.e.f. 13/3/1984 and then notionally fixed from time to time. However, the arrears of monetary benefits shall be granted only from one year prior to filing of OA. The applicants are entitled to arrears of monetary benefit from 1/2/1993 and onwards.

3. The respondents should comply with this order within a period of six months from the date of receipt of copy of this order.

4. No orders as to costs.

B.N.Bahadur

(B.N.BAHADUR)
MEMBER(A)
abp

R.G.Vaidyanatha

(R.G.VAIDYANATHA)
VICE CHAIRMAN