

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 477/97 and 616/97

Date of Decision: 10.11.97

Shri C. Subramaniyan.

Shri K.S. Subbarao.

Applicant.

Shri S. P. Saxena

Advocate for
Applicant.

Versus

Union of India and others.

Respondent(s)

Shri R.R. Shetty for

Shri R.K. Shetty.

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G. Vaidyanatha, Vice Chairman

Hon'ble Shri. P.P. Srivastava, Member (A)

(1) To be referred to the Reporter or not? *no*

(2) Whether it needs to be circulated to *no*
other Benches of the Tribunal?

R.G. Vaidyanatha
(R.G. Vaidyanatha.)
Vice Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH 'GULESTAN' BUILDING NO: 6
PRESOT ROAD, MUMBAI : 1

Original Application Nos. 477/97 and 616/97

Monday the 10th day of November 1997.

CORAM: Hon'ble Shri Justice R.G. Vaidyanatha, Vice Chairman
Hon'ble Shri P.P. Srivastava, Member (A)

C. Subramaniyam
C/o C.S. Gopal,
Flat No.6, Block No. 14-A,
Shanti Park, Upnagar,
Nasik.

... Applicant in
(O.A. 477/97)

K.S. Subbarao.
C/o. C.S. Gopal, Flat No.6,
Block No.14-A, Shanti Park
Upnagar, Nasik.

... Applicant in
(O.A. 616/97)

By Advocate Shri S.P. Saxena.

V/s.

Union of India through
The Secretary,
Ministry of Defence,
DHQ PO,
New Delhi.

The Engineer-in-Chief
Army Head Quarters
Kashmir House,
DHQ PO,
New Delhi.

The Chief Engineer,
Southern Command,
Pune.

... Respondents

By Advocate Shri R.R. Shetty for Shri R.K. Shetty.

O R D E R (ORAL)

¶ Per Shri R.G. Vaidyanatha, Vice Chairman ¶

These applications are filed under section
19 of the Administrative Tribunals Act 1985. The
learned counsel for the respondents opposes both the
applications and adopts the reply he has already filed

for...
for...

in a similar matter (O.A. 501/97) Since the point is covered by the decision of the Supreme Court, we have heard both the counsel on merits of the application.

2. In both these applications the applicants were appointed as L.D.C. in the Ministry of Defence prior to 1947. Both these applicants ^{have} ~~are~~ approached this Court stating that they are entitled to be classified and treated as U.D.C. with effect from 1.11.1947 and entitled to get their pay fixed with effect from that date and to get future increments and other consequential benefits. They also claim arrears of pay as a result of refixation of pay. They also prayed for pensionary benefits and other consequential benefits.

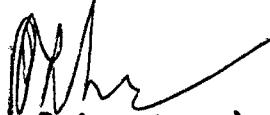
Though the respondents have taken various defence in their reply filed in O.A. 501/97, we find that it is not necessary to consider the same, since this is no longer res integra and covered by the decision of the Apex Court.

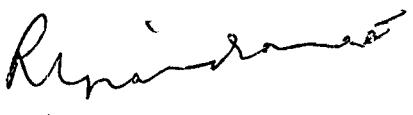
3. In an identical matter, in Civil Appeal No. 4201/95, the Supreme Court by order dated 4.11.1987 has confirmed the order passed by the Tribunal in O.A. 793/96 and connected cases, where the applicants had asked for similar or identical reliefs as in the two present applications. This Tribunal has granted those reliefs with effect from 1.1.47. The said order came to be confirmed by

 ...3...

Supreme Court. Therefore, we hereby hold that in the earlier judgement of the Tribunal and the order of the Supreme Court, the applicants in these two cases are entitled for re-fixation of pay and other consequential benefits.

4. In the result, these two applications are allowed. The respondents are hereby directed to re-classify the two applicants in these two cases as U.D.C. with effect from 1.1.1947 and to pay them the difference of arrears of pay as per the directions of the Supreme Court in Civil Appeal No. 4201/85. The respondents are also directed to review the case of promotion, re-fixation of pay, seniority and re-calculation of Pension and gratuity in accordance with the order dated 8.6.1994 and make payments to the respective applicants. In the circumstances of the case, the respondents are granted six months time from today to comply with this order. There will be no order as to costs.


(P.P. Srivastava)
Member (A)


(R.G. Vaidyanatha)
Vice Chairman.