

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 180/98, 258/98 and 360/98.

Date of Decision: 1.6.1998

Vishavambhar Murlidhar Khole and others Applicant.

Shri S. P. Saxena Advocate for
Applicant.

Versus

Union of India and others Respondent(s)

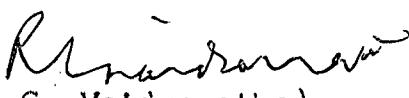
Shri R.R. Shetty for Advocate for
Shri R.K. Shetty. Respondent(s)

CORAM:

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

Hon'ble Shri. D.S. Baweja, Member (A)

- (1) To be referred to the Reporter or not?
- (2) Whether it needs to be circulated to other Benches of the Tribunal?


(R.G. Vaidyanatha)
Vice Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

Original Application No. 180/98, 258/98 and 360/98

Monday the 1st day of June 1998.

CORAM: Hon'ble Shri Justice R.G.Vaidyanathan, Vice Chairman
Hon'ble Shri D.S. Baweja, Member (A)

Vishavambhar Murlidhar Khole
Ex-UDC, MES
Residing at : 410, Somwar Peth
Sadguru Park, Flat No.18,
Pune.

Bhishma Datta
Ex-UDC, MES
Residing At : 12-B Cycle Merchants
Society, Rasta Peth,
Pune.

... Applicants in
(OA 180/98)

R.B. Durgam (Retd. UDC)
Presently residing at
B1/8, Sopan Baug. Opp. NCL
Pashan, Pune.

... Applicant in
(OA 258/98)

P.D. Janpandit
(Ex-O.S Gr.I CESC)
Residing at :
1225/7, Kanade Building
Deccan Gymkhana,
Pune.

... Applicant in
(OA 360/98)

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 Headquarters,
Kashmir House,
DHQ PO New Delhi

The Chief Engineer
Southern Command
Pune.

GE (MES), NDA, Khadakwasla,
Pune.

... Respondents.

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

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O R D E R (ORAL)

1 Per Shri Justice R.G. Vaidyanatha, Vice Chairman

These are three applications filed by the applicants praying for arrears of pay and other benefits with effect from 1.1.47. The respondents have not filed reply but the learned counsel for respondents opposes the applications and adopts the reply they have already filed in some of the connected cases previously. We have heard the counsel appearing for the applicants in O.A 180/98 and 367/98 and applicant in person in OA 258/98 and the counsel for the respondents.

All the applicants in these applications were working in Military engineering Service. They are entitled to be treated as UDC with effect from 1.1.47 and ~~subsequent~~ ^{Govt. of India} monetary benefits on the ~~face~~ ^{back} of the first Pay Commission headed by Justice Varadacharya. It is not necessary to mention the facts of the case, since the question is covered by the decision of the Supreme Court in Civil Appeal No. 4201/85 dated 4.11.1987. The Supreme Court has confirmed the order passed by the Tribunal in OA 793/96 and connected cases. The applicants in these cases are claiming for classification as UDC with effect from 1.1.47 and they are entitled to the difference of arrears of pay etc as per the directions of the Supreme Court. In the facts and circumstances of the case we feel that arrears should be restricted to 50%. In our view as per the directions of the Supreme Court and the Judgement of the Division Bench of this Tribunal, the applicants in these cases are entitled to similar reliefs.

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3. In the result all the three applications are hereby allowed. The respondents are hereby directed to re-classify the applicants in these cases as U.D.C. with effect from 1.1.47 and to pay them the difference of arrears of pay as per the directions of the Supreme Court in Civil Appeal No. 4201/85 dated 4.11.87. However we direct that in view of the facts and circumstances of the case arrears of pay of the applicants is restricted to 50%. 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 applicants. In the circumstances of the case we grant six months time to the respondents to comply with this order. There will be no order as to costs.

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M.P. 131/98 in OA 180/98 is hereby allowed and permitted the applicants to file joint application.

(D.S. Bawej)
Member (A)

R. G. Vaidyanatha
Vice Chairman

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XXX As per order dt. 11/12/98 in R.P. No. 63/98, para '3' above is amended by adding the following.

"The Second applicant is not entitled to any of the reliefs mentioned in para '3' of the Judgment dt. 11/6/98."

(D.S. Bawej)
MCA

(R.G. Vaidyanatha)
V.C.

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

1. M.P. No. 359/2000 & R.P. 25/2000 in O.A.No. 180/98.
2. M.P. No. 679/2000 & R.P. 52/2000 In O.A.No. 550/98.
3. M.P. No. 357/2000 & R.P. 22/2000 In O.A.No. 780/98.
4. M.P. No. 242/2000 & R.P. 12/2000 In O.A.No. 814/98.
5. M.P. No. 802/2000 In O.A.No. 952/98.
6. M.P. No. 804/2000 In O.A.No. 1037/98.
7. M.P. No. 202, 276/2000 & R.P. 18/2000 In O.A.46/99.
8. M.P. No. 275/2000 & R.P. 17/2000 In O.A. No. 63/99.

TRIBUNAL's ORDER :

DATED : 09.02.2001.

The Learned Counsel Shri R. K. Shetty on behalf of Respondents states that the Review Petitions listed at sl. Nos. 43 to 50. of the Board (as mentioned above) are some what different to the other Review Petitions in which orders have been passed today. Hence, these are to be heard on a different date.

2. Learned Counsel, Shri Waghmare is present for Review Petitioners listed at sl.nos. 1, 4, 7 and 8 above. In other cases, none present on behalf of Applicants.

3. List the M.Ps. & R.Ps. for Orders on 09.03.2001.

4. Today, by our leave, Shri R. B. Durgam (Applicant in O.A. No. 258/98) who is present in Court, mentions that his case is similar to the cases in which R.P. is taken up today. But his case in which R.P. is filed, is not listed today. The O.A. No. in his case is 258/98. Shri Shetty confirms this fact.

5. It is hereby ordered that the R.P. in O.A. No. 258/98 shall also be listed for orders on 09.03.2001.

* S.L. JAIN
(S.L. JAIN)
MEMBER(J).

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

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