

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

Original Application No. 1037/98, 1045/98 and 1095/98.

Friday the 11th day of June 1999.

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

S.Paul Sundararajan
Advocate, 455,
Laxmi Narayan Mandir Road,
Bhagur 422 502, Al. &
Dist. Nasik, Maharashtra.

... Applicant in
OA 1037/98.

Applicant in person.

C.R.K. Pillai
(MES No.32605)
Nirmala Home,
D'souza Colony
H.P.T. College Post,
Nashik.

... Applicant in
OA 1045/98

Smt. S.D.Kulkarni
W/o Late Shri Digambar M.Kulkarni
Residing at 21,
Ishdan Housing Soccity
Paud Road, Pune.

... Applicant in
OA 1095/98

By Advocate Ms. Neelima Gohad for Shri S.P. Saxena.

V/s.

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

Engineer-in-chief
Army Headquarters,
Kashmir House,
DHQ PO, New Delhi.

The Chief Engineer
Southern Command,
Pune.

Chief Engineer(Navy)
26, Assaye Building
Coleba, Mumbai.

... Respondents in
all the OAs.

The Chief Engineer
Pune Zone, Head Quarters,
Southern Command, Pune
Maharashtra.

The Commander Works
Engineers, Deolali
Tal. & Dist. Nashik
Maharashtra.

The Garrison Engineer(North)
Deolali
Taluka & District Nashik
Maharashtra.

Respondents in
OA 1037/98.

By Advocate Shri R.K. Shetty.

O R D E R (ORAL)

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

These are three O.As filed by the
respective applicants. The respondents have filed
reply. We have heard applicant in person in
OA 1037/98 and Ms. Neelima Gohad for Shri S.P.Saxena
counsel for other two cases. Shri R.K. Shetty
counsel for the respondents.

In the first two case the applicants have
themselves filed the application. In O.A. 1095/98
the application is filed by Smt. S.D. Kulkarni,
wife of the deceased employee.

2. All the three applicants were working as
'B' grade Clerk as Civilian in Defence service and
by virtue of First Pay Commission they are entitled
to re-fixation of pay in UDC grade with effect from
1.1.1947 and on that basis subsequent promotion,
revision of pay scale etc. Therefore the applicants
have prayed for monetary relief on that basis.

3. It is not necessary to consider the pleadings
in detail since the matter is covered by the decision
of the Apex Court in Civil Appeal No. 4201/85 by order
dated 4.11.1987 in identical case the Supreme Court
confirmed the order of Madras High Court, but however
restricted the arrears to only 60%. On the basis of
the same judgement this Tribunal in number of identical

case granted similar reliefs. One such order is dated 7.9.1998 in OA 550/98 and 570/98 which is at page 20 of the paper book in OA 1095/98.

In view of this position of granting identical reliefs granted to many officials, we feel that the applicants in these O.As are entitled to same relief. In view of the delay in filing the applications, we restrict the arrears only to 50%.

4. In the result, all the three O.As are allowed. The respondents are directed to re-classify the applicants as U.DCs with effect from 1947 and re-fix their pay and pay the difference of arrears of pay to them in terms of the directions of the Supreme Court in Civil Appeal No. 4201/85. We also direction the respondents to give promotion, re-fixation of pay, seniority, recalculation of pension and gratuity in accordance with the order dated 8.6.1994 and make payments to the respective applicants, but however restricting the arrears to be paid to the applicants to 50%. In the circumstances of the case the respondents are granted six months time to comply with the order. No order as to costs.

(D.S. Baweja)
Member (A)

(R.G. Vaidyanatha)
Vice Chairman

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