

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 Soceity  
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  
Colaba, Mumbai.

... Respondents in  
all the QAs.

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.

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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-clasify 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 direct 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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