

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

D.A. 1525/95.

Dt. of Decision : 11-12-95

Smt. Lalitha Bai

..Applicant.

Vs

1. The Union of India,
Rep. by its Secretary,
Min. of Defence, Sena Bhavan,
New Delhi.
2. The Commandant, HQ,
Artillery Centre, Golconda,
Hyderabad-21.

.. Respondents.

Counsel for the Applicant : Mr. K. Sudhakar Reddy

Counsel for the Respondents : Mr. N.R. Devaraj, Sr. CGSC.

CCRAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

The said judgment might have been placed before the Ministry i.e. R-1 herein. Hence R-1 has to necessarily take a decision in regard to the industrial workers in the Defence organisation who do not come within the five trades referred to by the Expert Committee and the 11 trades referred to by the Anomalies Committee, as to whether the benefit of upgradation with effect from 16.10.1981 has to be extended to them or not.

7. As the husband of the applicant herein is similarly situated as the applicants in O.A.No.100/92, a direction has to be given to the respondents to extend the same benefits as given to the applicants in O.A.No.100/92 dt. 15.9.95.

8. As per letter No.96532/IF/GTRE/RD-PERS-3/4692/D(R&D) dt. 17.11.1993 it is stated that the monetary benefit on such notional fixation will be given effect to from 9.2.1988. We have to further state that if ultimately R-1 is going to take a decision that the monetary benefit has to be given w.e.f. 16.10.1981 or 15.10.1984 or any later date prior to 9.2.1988, the said monetary benefits have to be given in case of late husband of the applicant herein accordingly.

9. In the result, this OA is ordered as under:-

(1) The pay of late Sri Ramulu (husband of the applicant herein) has to be fixed ~~as~~ in the pay scale of Rs.260-400 as on 15.10.1984 and the monetary benefits have to be given with effect from 9.2.1988. ^{til 8.8.95 when he expired} But, if ultimately R-1 is going to take a decision that the monetary benefits have to be given even earlier to 9.2.1988 the said monetary benefit has to be given in case of late husband of the applicant herein also.

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P42w

vide judgment reported in [1989(2) SLJ 100 (Bhagwan Sahai Carpenter Vs. UOI and anor. I.

5. Even before the judgment referred to above was pronounced by the Apex court, various industrial workers in the Defence Establishments in the trades other than the five trades referred to by the Expert committee and the 11 trades referred by to by the Anomalies committee moved the various Benches of CAT praying for a direction to the respondents to extend the benefit of upgradation and enhanced pay scale with effect from 15.10.1984 and the same were allowed.

6. The Memo No.17(5)/89-D(Civ.I) dt. 19.3.1993 (Annex.IV) was issued by the Ministry of Defence to the effect that the pay scales of skilled Grade to the upgraded posts will be given with effect from 16.10.1981. It is in regard to 11 trades that were identified by the Anomalies Committee. When the said applicants who are not covered by those trades, along with others made a representation claiming that they also have to be given the benefit of upgradation with effect from 16.10.1981, it is stated that the matter is under consideration. A copy of the judgment dt. 3.10.1991 in W.P. No.492/91 (C) on the file of the Supreme Court is produced before us wherein while granting the benefit of upgradation to the petitioners therein who are Boot makers with effect from 16.10.1981 it was observed as under:-

"Before we part we would like to state that the department should grant the benefit uniformly to all those trades which were to be upgraded after the Deputy Secretary's letter dt. October 15, 1984. We do hope that they will not be driven to court to receive the benefit of which they are entitled as per the interpretation put by this court in Bhagwan Sahai's case (supra) ".

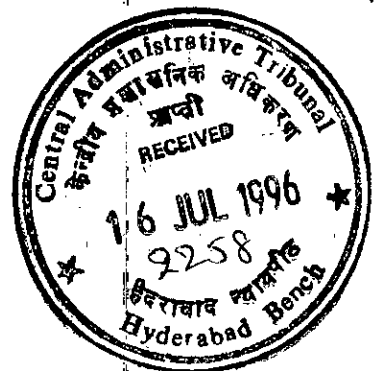


Regd. - Review application

In the C.A.T
Hyd Bench

RA in 1986
OA 1525/95

Review Application



As Comd
on 17/7/96

Filed by: -
N. R. Dewaraj
Sr. Clerk

May be Filed
On 17/7/96