

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A. No. 449 of 1997

Date of Decision:
2nd December, 1997

Between:

1. T. Ravi
2. C. Prakash .. Applicants

AND

1. The Secretary, Ministry of Defence,
Government of India, Sena Bhavan,
New Delhi.
2. The Director General of Electrical &
Mechanical Engineering (EME Civil),
Army Headquarters, New Delhi.
3. The Commandant, H.Q. 1 EME Centre,
Secunderabad .. Respondents

Counsel for the applicant: Sri B.N. Ashok Kumar

Counsel for the Respondents: Sri K. Bhaskar Rao

Coram:

THE HON'BLE SRI H. RAJENDRA PRASAD: MEMBER (ADMN.)

THE HON'BLE SRI B.S. JAI PARAMESHWAR: MEMBER (JUDL.)

ORDER

(Per Hon'ble Sri B.S. Jai Parameshwar: Member (Judl.))

Heard Sri Sudhakar Reddy for Sri B.N. Ashok Kumar
for the applicant and Sri K. Bhaskar Rao, Standing Counsel
for the Respondents.

There are 2 applicants in this O.A. They have been
working as Tailors under the Respondent No.3.

It is submitted that the 1st applicant was declared
as surplus and was transferred to Pune on 1st September, 1990
and was later appointed as labour at Military Hospital,
Secunderabad on 5.5.1993. It is submitted that he was again
posted to 1 EME Centre on 1.11.1994 and since then he has been

Jai

working as tailor under the Respondent No.3.

3. The 2nd applicant was initially appointed on 28.4.80. On 17.2.1984 he was declared as surplus and was posted to Ordnance Factory, Maharashtra. He was again transferred to Secunderabad on 6.4.1994. Since then he has been working as Tailor under the Respondent No.3.

4. They submit that the scale of pay given to the applicants is Rs.210-290 and the said scale of pay is equivalent to that of Boot maker working under the Respondents. Following recommendations of the Expert Classification Committee, the President of India sanctioned increased scales of pay to workers of EME. Thus the Tailors working under the EME have become eligible to the revised scale of pay of Rs.260-400. Thus they submit, that they are eligible for revised scale of pay effective from 16.10.1981 and that they have not been given the said benefit.

5. In support of their case they have relied upon the decision of this Tribunal in OA 489/93 (J.S. Surjuse and others Vs. Ministry of Defence) decided on 24.9.1993.

6. Hence they have filed this OA for declaration that the in-action of the Respondents in not applying the decision in OA Nos. 489/93 and 1106/93 is contrary to law and principles of Natural Justice and for a consequential direction to the Respondents to fix their scale of pay in Rs.260-400 with effect from 16.10.81 and Rs.950-1500 with effect from 1.1.1986 and to pay the arrears of pay with consequential benefits.

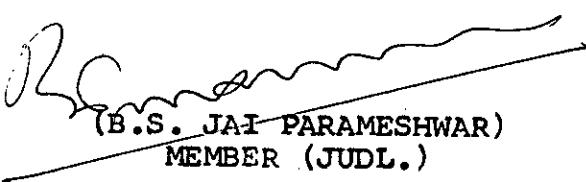
7. They relied upon the decision in O.A. 443/88 of this Tribunal claiming for the revised scales of pay of Rs.210-290 to 260-400 with consequential benefits. The question of fixation of pay for the artisan staff like Bootmakers, Tailors, etc. have been considered by this Tribunal and a number of directions

have been given. But those directions were challenged in Review Applications No.72 to 80/96 (in OA Nos. 1524, 1525, 1150, 1530, 52, 1207, 1204, 1203 and 161/95) and R.As were dismissed by this Tribunal. However against those RAs the respondents authorities have approached the Hon'ble Supreme Court by filing SLP No.8777 to 8785/97 in R.As 72 to 80/1996. These SLPs are still pending.

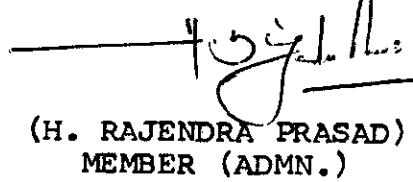
4. In view of the above, directions given by this Tribunal in similar cases are still pending before the Hon'ble Supreme Court for final decision. In that view, a direction to follow the final directions of the Hon'ble Supreme Court in the SLP referred to above has to be given in this case.

5. The directions given by this Tribunal in similar cases will hold good in this case also depending on the decision of the SLP filed before the Hon'ble Supreme Court. If the Hon'ble Supreme Court withdraws the relief given by this Tribunal then the applicants also cannot be given such a relief. If the Supreme Court allows the relief given to the applicants similarly placed to the applicants then the applicants are also eligible for the reliefs.

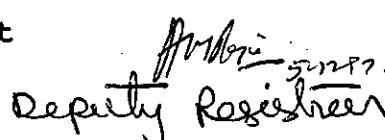
6. With the above directions the OA is disposed of. No costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

2.12.97


(H. RAJENDRA PRASAD)
MEMBER (ADMN.)

Dt. 2nd December, 1997
Dictated in the open court


Deputy Registrar

KSM

O.A. 449/97.

To

1. The Secretary, Ministry of Defence,
Govt. of India, Sena Bhavan, New Delhi.
2. The Director General of Electrical &
Mechanical Engineering (EME Civil)
Army Headquarters, New Delhi.
3. The Commandant, HQ 1 EME Centre, Secunderabad.
4. One copy to Mr. B.N. Ashokkumar, Advocate, CAT.Hyd.
5. One copy to Mr. K. Bhaskar Rao, Addl. CGSC, CAT.Hyd.
Hon'ble
6. One copy to Mr. B.S. Jai Parameswar, Member (J) CAT.Hyd.
7. One copy to D.R. (A) CAT.Hyd.
8. One spare copy.

pvm.

21/12/97

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I Court.

TYPED BY:

CHECKED BY:

COMPARED BY:

APPROVED BY:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE.
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD : M(A)

The Hon'ble Mr. B. S. Jayaraman : M(C)

DATED:- 21/12/97

ORDER/JUDGMENT.

M.A.,/RA.,/C-A.No..

in

O.A.No. 669/97.

T.A.No.

(W.P.)

Admitted and Interim directions issued.

Allowed

Disposed of with Directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

No order as to costs.

केन्द्रीय प्रशासनिक विधिकरण
Central Administrative Tribunal
प्रेषण/DESPATCH

- 9 DEC 1997

हैदराबाद बायपोर्ट
HYDERABAD BENCH