

1. THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO.103/96

Date of order: 29/1/96

Respondent:

Mr. Eshwarlal.

.. Applicant

and

1. Union of India,
rep. by its Secretary,
Ministry of Defence,
Sona Bhavan, New Delhi.11

2. The Commandant, HQ, Artillery Centre,
Hyderabad-31.

Respondents.

For the Applicant :- Mr. K.Sudhakar Reddy, Advocate.

For the respondents: Mr. N.V.Raghava Reddy,
xx./Add.COSC

COMES:

THE HON'BLE MR.JUSTICE V.VEENLADAI RAO : VICE-CHAIRMAN

THE HON'BLE MR.RAJESWARAJAN : MEMBER(ATMN)

[Handwritten signature]

15 - 2 - 12
DA 103/96.

15
Dt. of Order: 29-1-96.


(Order passed by Hon'ble Shri R. Rengarajan,
Member (A)).


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The applicant in this O.A. is a Tailor under the Respondent No.2 at Hyderabad. He filed OA 56/95 praying to grant him the revised scale of pay of 260-400 with effect from 22-8-1983. That OA was allowed and the respondents therein were directed to grant him the scale of pay of Rs.260-400 with effect from 15-10-1984 on a notional basis and arrears have to be given to the applicant from 12-1-1994.

2. This application is filed praying for a direction to the respondents to give effect and grant the benefits of skilled grade of Rs.260-400 as per the judgement of the Apex Court in Prabulal & another Vs. Union of India & others in WP (C) No. 492 of 1991 dated 3rd October, 1991 and to pay the arrears with effect from 16-10-1981 with immediate effect.

3. The applicant herein is similarly situated as the applicant in OA 1150/95^{which was filed for similar relief}. Some of the applicants in that O.A. were also Tailors under the same Respondents. As the applicant herein is similarly situated we feel that no differentiation need be made in this connection for granting the relief, which was granted to the applicants in the above referred O.A. In the result, the following direction is given :-

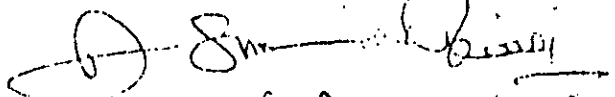


 ... J. A. D.

"The pay of the applicant has to be notionally fixed in the pay scale of Rs.260-400 (950-1500) on the date of his joining as Tailor, if he has been absorbed in the cadre as on the date of appointment and monetary benefits have to be given with effect from 9-2-1988. If ultimately Respondent No.1 is going to take a decision that the monetary benefit has to be given even earlier to 9-2-1988, the applicant also has to be given monetary benefit accordingly."

4. The O.A. is ordered accordingly at the admission stage itself. No order as to costs. //

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY


OFFICER
1/1/88

1. The Secretary, Union of India,
Ministry of Defence, Sana Bhavan, New Delhi-11.
2. The Commandant, HQ, Artillery Centre,
Hyderabad-31.
3. One copy to Mr. K.Sudhakar Reddy, Advocate, CAT.Hyd.
4. One copy to Mr. N.V.Raghava Reddy, Addl.CGSC..CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

pvm.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD .

O.A.No. 735 of 1996.

Date: July 17, 1996.

Between:

Isaac.

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Applicant.

Vs.

1. The Union of India represented by
its Secretary, Ministry of Defence,
Sena Bhavan, New Delhi.

2. The Commandant, Artillery Centre,
Golconda, Hyderabad. .. Respondents.

COUNSEL FOR THE APPLICANT: Sri K.Sudhakara Reddy.

COUNSEL FOR THE RESPONDENTS: Sri V.Rajeswara Rao.

ORDER BY:

HON'BLE SHRI H. RAJENDRA PRASAD, MEMBER(A)

-:-

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14/7/96

O R D E R.

Heard Sri K. Sudhakara Reddy for the applicant
and Sri V.Rajeswara Rao for the respondents.

2 It is noticed that suitable directions have been
given in similar cases, for example, in O.A.103/96 (ESWARLAL vs
UNION OF INDIA). The facts of the said case are exactly
identical to those in the instant O.A. Hence the
directions issued in para 3 of the judgment dated 29-1-1996
in O.A.103/96 would apply in toto to this O.A., as well.

3. It is, therefore, directed that, if and when
a final decision is taken in the case of ESWARLAL V.UNION
OF INDIA (O.A.103/96) in the light of the directions
given therein, the claim of the present applicant shall
also be decided and settled along with it.

4. Sri V.Rajeswara Rao, learned standing counsel
for the respondents, argued strongly in favour of a notice
being served on the respondents and a reasonable time
being afforded to them for filing the reply. However,
in view of the similarity of the case already referred to,
and facts contained in this O.A., it is not considered
necessary to issue a notice or to grant the time as
requested.

Thus the O.A., is disposed of at the admission
stage.

ORIGINAL FILED
CERTIFIED TO BE TRUE COPY
12/7/96
JUDGE (STANDING)
CANDID OFFICER
Central Industrial Tribunal
MUMBAI
MUMBAI BENCH

CERTIFIED TO BE TRUE COPY
O.A. 733 (26)
Date of filing 17.7.96
Copy of 24.7.96

ATV 16 (19)

From :

B-760, Boot Maker,
Ganesh Dhavade,
HQ Coy * EME Centre,
SECUNDERABAD.

To :

The Commandant,
1, EME Centre,
SECUNDERABAD.

(THROUGH PROPER CHANNEL)

Sub : Grant of pay scale as applicable to Boot Makers of
1 EME Centre request regarding.

Sir,

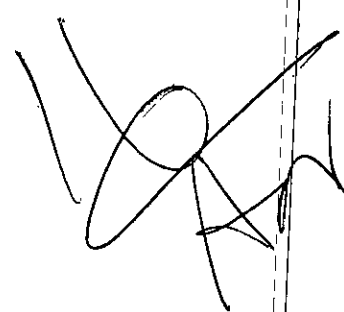
1. I bring the following few lines for your kind consideration and sympathetic orders please.
2. I was appointed as a Boot Maker on 10 Sep.1980 in Armed Centre, Ahmednagar, At present, I am serving under your command.
3. In the IVth Pay Commission, Boot Maker's pay scale is Rs.775-12-671/14/1025. Recently, Expert classification committee, had revised the pay scale of Boot Maker to Rs.950- This benefit was given to Boot Makers in all units including EME Centre.
4. I request your good reply to kindly consider my case in pay scale of Rs.950-1500.

Thanking You,

Yours faithfully,
Sd/-xxxxx,
(GANESH DHAVADE)

Dated : 31.Dec.96.

// TRUE COPY //



AFV (17) 20

MEMORANDUM

HQ Copy
From :
HEME Centre,

B-760 Boot Maker
To
Sri Ganesh Dhavade,
HQ Copy-I, EME Centre,

50630/HQ/CIV

9 June, 1997.

Grant of Pay Scales as applicable to Boot Makers

1. Refer to your Lr.No. NIL dated 31. Dec.1996.
2. An extract of HQ 1 EME Centre, Lr.No.506/Boot/Makers/
GD/CIV Dated 05.06.97 is appended below for ~~for~~ your
information.

Extract of HQ I EME Centre Letter No.506/Bootmakers/
GD/Cir Dt. 05.06.1997.

Army HQs., has intimated vide their Lr.No.A/21892/66/
PO-I/EME CIV-3, dated 29.May, 97, that as per the instructions
received from Ministry of Defence, the judgement was
implemented only for the petitioner and not for all similar
Bootmakers/Tailers and the judgement of other similar cases of
MC EME, Station WKSP EME, Secunderabad, EME Depot, BN, ,
Secunderabad 1 EME Centre is also not being implemen ed and
SLP in the instant cases has already been filed in the Hon'ble
Supreme Court and the stay order has been granted.

Sd/-xxxxxx,
Officer Commanding.

// TRUE COPY //

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AN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1315/97

Date of Order: 3.10.97

BETWEEN:

Ganesh Dhavade

.. Applicant.

AND

1. Union of India, Rep. by the
Secretary, Ministry of Defence,
Government of India, New Delhi.

2. The Commandant-I, EME Centre,
Secunderabad.

.. Respondents.

Counsel for the Applicant

.. Mr.K.Venkateswara Rao

Counsel for the Respondents

.. Mr.V.Rajeswara Rao

CORAM:

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

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

O R D E R

X Oral order as per Hon'ble Shri B.S.Jai Parameshwar, Member (JUDL.) X

Mr.K.Venkateswara Rao learned counsel for the applicant
and Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

2. The applicant herein was initially appointed as Bootmaker
on 10.9.1980 in the Army Centre, Ahmednagar and at present is
working under the control of the second respondent. He is
presently in the scale of pay of Rs. ²¹⁰⁻²⁵⁰ ~~260-400~~. It is stated that
the posts of Tailor and Boot Maker were carrying the scale of
pay of Rs. ²¹⁰ ~~200~~-250 in the Ministry of Defence and as per the
recommendations of the Expert Classification Committee the
President of India sanctioned the increased pay scales to the

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workers of EME. Subsequently the Boot Maker and Tailors in the EME became eligible to the revised scales of pay of Rs. ²⁶⁰⁻⁴⁰⁰~~210-290~~.

3. He has relied upon the decision in OA.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, 1267, 1264, 1263 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. Those 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 applicant also cannot be given such a relief. If the Supreme Court allows the relief given to the applicants similarly placed to the applicant then the applicant is also eligible for the reliefs.

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

(B.S. JAI PARAMESHWAR)
Member (Judl.)

(H. RAJENDRA PRASAD)
Member (Admn.)

3.10.97

Dated: 3rd October, 1997

Dictated in Open Court

sd

Deputy Registrar

-3-

O.A. 1315/97.

To

1. The Secretary,
Ministry of Defence, Union of India,
New Delhi.
2. The Commandant-I, EME Centre,
Secunderabad.
3. One copy to Mr.K.Venkateswar Rao, Advocate, CAT.Hyd.
4. One copy to Mr.V.RajeswarRao, Addl.CGSC,CAT.Hyd.
5. One copy to HHBSJ.M.(J) CAT.Hyd.
6. One copy to D.R.(A) CAT.Hyd.
- 7, One spare copy.

pvm

22/10/97

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 J Ramaswami, M (S)

DATED:- 3/10/97

~~ORDER~~ JUDGMENT.

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

in

O.A.No. 1315/97

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.

