

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.No. 313 of 1998.

7-9-1999.

DATE OF DECISION.....

Sri Pherbok Diengdon & another.

(PETITIONER(S))

Sri M. Chanda.

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

Union of India & Ors.

RESPONDENT(S)

Sri A. Deb Roy, Sr.C.G.S.C.

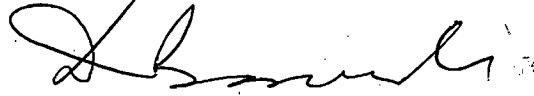
ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE MR JUSTICE D.N.BARUAH, VICE CHAIRMAN.

THE HON'BLE MR G.L.SANGLYINE, ADMINISTRATIVE MEMBER.

1. Whether Reporters of legal papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman. Member.



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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 313 of 1998.

Date of Order : This the 7th Day of September, 1999.

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman.

The Hon'ble Mr G.L. Sanglyine, Administrative Member.

1. Sri Pherbok Diengdoh
Quinton Road,
Police Bazar,
Shillong-793001.

2. Sri Nripendra Chandra Paul,
MES Quarter No. MES/71/1,
D.M.Line (Near Military Hospital)
Shillong-793002.

... Applicants

By Advocate Sri M.Chanda.

- Versus -

1. Union of India,
through the Secretary to the
Government of India,
Ministry of Defence,
New Delhi.

2. The Headquarter Chief Engineer,
Eastern Command,
Fort William,
Calcutta.

3. The Controller of Defence Accounts,
Udayan Bhawan,
Narengi, Guwahati.

4. The Army Headquarter Engineer-
in-Chief's Branch,
Kashmir House,
DHQ, P.O. New Delhi.

5. The Garrison Engineer,
Shillong.

... Respondents.

By Advocate Sri A.Deb Roy, Sr.C.G.S.C

O R D E R

BARUAH J. (V.C)

In this O.A. the applicants are seeking directions from the Tribunal to the respondents to treat them as regular Motor Pump Attendant (MPA for short). Facts for the purpose of disposal of this case are :

The applicants were initially appointed as paid Mazdoor in the year 1971 under the Commandar Works Engineer,

SKB

MES, Shillong. Thereafter, they were promoted to the post of MPA on 5.9.1983. They were reverted from the cadre of MPA to the lower cadre. However, till now they are allowed to work in the same capacity. Some other MPAs had also been reverted to lower grade. They approached this Tribunal by filing O.A.No.144(G) of 1989 and 196(G) of 1989 and also O.A.No.83 of 1998 and O.A.102 of 1998. In those cases this Tribunal held that the clarification or direction given by the Headquarter, Eastern Command in its letter dated 10.11.1986 cannot be sustained.

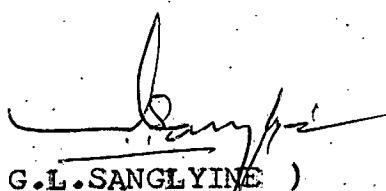
2. We have heard Mr M.Chanda, learned counsel for the applicants and Mr A.Deb Roy, learned Sr.C.G.S.C for the respondents. Mr Chanda submits that the decision of the Tribunal in the above cases squarely covers the point of controversy in the present case. We quote the relevant portion of the order :

".....The clarification or direction given by the Headquarter, Eastern Command in its letter dated 10.11.1986 can not be sustained. Even if there were compelling circumstances why the order should have retrospective effect, the affected person should at least have been given an opportunity of explaining his case. Since this opportunity was not given the applicants were denied natural justice."

Mr Deb Roy, learned Sr.C.G.S.C also confirms that the present case is squarely covered by the decision of this Tribunal. On perusal of the papers we are of the opinion that the earlier order of the Tribunal passed in O.A.No.83/98 and 102/98 is squarely covered the controversy of the present case. The aforesaid judgment of the Tribunal was sought to be reviewed by Review Application No.12 of 1990, which was ultimately rejected by this Tribunal. We therefore, following the said decision, direct the respondents to give all the benefits to the applicants of the scale of pay of Motor Pump Attendant of Rs.260-400/- (now revised to Rs.950-1500). The

money recovered, if any, from the applicants shall be refunded to them as early as possible, at any rate within a period of three months from the date of receipt of this order.

Accordingly the application is disposed of. However, in the facts and circumstances of the case we make no order as to costs.


(G.L.SANGLYINE)
ADMINISTRATIVE MEMBER


(D.N.BARUAH)
VICE CHAIRMAN