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**Central Administrative Tribunal
Jabalpur Bench**

OA No.268/05

Jabalpur, this the 30th day of November 2006.

CORAM

Hon'ble Dr.G.C.Srivastava, Vice Chairman

Hon'ble Mr.A.K.Gaur, Judicial Member

N.K.Chadar

s/o Shri Phool Singh

PVO

R/o 98, East Ghamapur

Jabalpur.

and

10 others.

Applicants

(By advocate Shri V.Tripathi)

Versus

1. Union of India through
The Secretary
Ministry of Defence
New Delhi.

2. Director General of Ordnance Factories
10-A, S.K. Bose Marg
Kolkata.

3. The General Manager
Vehicle Factory
Jabalpur.

Respondents

(By advocate Shri S.K.Mishra)

ORDER

By Dr.G.C.Srivastava, Vice Chairman

This Original Application has been filed praying for grant/extension of benefit of the judgement passed by the Chennai Bench of the Tribunal in OA No.329/02 and the judgements passed by this Bench in OA Nos.32/03, 904/02, 40/02, 448/02 and 304/02. The relief relates to grant of pay scale of Rs.1350-2200/- to the applicants w.e.f. 1.1.86 or from the date of deployment ^{with} ~~in~~ the revised pay scale

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Rs.4500-7000/- w.e.f. 1.1.96 with arrears of pay and other consequential benefits

2. Learned counsel for the applicant has submitted that the case is squarely covered by the decision of this Bench of the Tribunal in OA No.960/04 decided on 20th May 2005 (Ebenezer Egbert Powell vs. Union of India and others).

3. The prayer of the applicant is that similar benefit which has been given to the applicants in the aforesaid cases may also be given to the applicants in the instant case, if they are similarly placed.

4. Learned counsel for the respondents has submitted that the case is not squarely covered by the stated cases. In support of his contention, he drew our attention to the judgement of the Mumbai Bench of the Tribunal in the case of S.D.Bhangale vs. Union of India and others (OA No.231/2003 along with OA No 240/03), as also the judgement of the Hyderabad Bench of the Tribunal in OA No.648/03 and of this Bench in OA No.732/04.

5. We have heard the arguments advanced by the learned counsel for both parties. We find that the case relates to Vehicle Factory, Jabalpur, which functions under the Director General of Ordnance Factories. The cases cited by the learned counsel for the applicants relate to the Factories functioning under the Director General of Ordnance Factories. Applicants in all the cases are Data Entry Operators seeking similar reliefs. We, however, notice that the Mumbai Bench's judgement in S.D.Bhangale's case has already been considered by this Bench while deciding OA No.960/04. We also find that the decision in OA No.732/04 was based on the judgement of the Hyderabad Bench in OA No.648/03 in which the facts and the reliefs claimed are not identical.

6. In view of this, we are of the view that this case is squarely covered by the decision of this Tribunal in OA No.960/04. The operative portion of the judgement is reproduced below:-

"6. We have given careful consideration to the rival contentions made by the learned counsel for the parties and on careful perusal of the records, we find that the applicant seems to be similarly placed as the applicants in the aforesaid OA Nos.904,

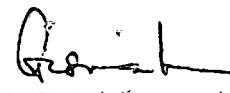
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40, 448 and 304 of 2002. The Tribunal vide order dated 17.2.2004 granted the relief claimed by the applicants in the aforesaid OAs and that order is challenged before the Hon'ble High court. As per the statement made by the learned counsel for the applicant, the Hon'ble High Court has directed the respondents to release the arrears of the applicants on higher pay scale in accordance with the order of the Tribunal in the aforesaid OAs. Keeping in view the above facts, the ends of justice would be met, if we direct the respondents to consider the claim of the applicant if he is otherwise similarly placed as the applicants in the aforesaid OA Nos.904,40,448 and 304 of 2002 for grant of higher pay scale from the due date. We do so accordingly. The order dated 17.2.2004 of the Tribunal in the aforesaid OAs is still pending for adjudication in the Hon'ble High Court in Writ Petition 4601/04. Therefore, our above direction given to the respondents in respect of the present applicant will be subject to the outcome of the judgement of the Hon'ble High Court in W.P.No.4601/04. With these directions, the OA is disposed of."

7. In view of the above, we also grant similar relief to the applicants in this case, provided they are similarly placed as the applicants in the aforesaid OAs. This is subject to the final outcome of the writ petition pending in the High court.

8. With these directions, the OA is disposed of.


(A.K. Gaur)
Judicial Member


(Dr. G.C. Srivastava)
Vice Chairman

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पृष्ठान्न सं ओ/न्या.....जयलपुर, दि.....
पसिलिपि अखे धितः--
(1) सचिव, उच्च न्यायालय, वाराणसी, जयलपुर
(2) अध्यक्ष, जयलपुरी/वृ.....को काउंसल
(3) प्रवर्तक, जयलपुरी/वृ.....को काउंसल
(4) न्यायालय, जयलपुर न्यायाधीश
सूचना एवं आवश्यक कार्यवाही के लिए
उप रजिस्ट्रार

V. Tripathi AN 28P
J. K. Mishra
AN 28P

DSSWA
on 5/12/06
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