

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 48 of 2004

(Civilian) this the 8th day of December, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

N. Satya Narayan Murty,
S/o. late N. Ramamurty, aged about
70 years, R/o. House of Chikla Ramarao,
Post East Vipparu, District West
Godawari, at present 11, Shivnagar,
Garha, Jabalpur (MP)

.... Applicant

(By Advocate – Shri N. Pandharkar)

V e r s u s

1. The Union of India, through :
the Secretary, Ministry of Urban Development,
Nirman Bhawan, New Delhi.
2. The Chief Planner, Town & Country Planning,
Organisation, E-Block, Indraprastha Estate,
New Delhi.
3. The Administrative Officer, Town Country
Planning Organization, E-Block, Indra-Prastha,
Estate, New Delhi.
4. The Joint Director, Eastern Zone,
97/1-B Hazara Road, IIInd Floor,
Forest Survey of India, Kolkata-700 026
(W.B) Respondents

(By Advocate – Shri P. Shankaran on behalf of Shri S.P. Singh)

O R D E R

By Madan Mohan, Judicial Member –

By filing this Original Application the applicant has claimed the following main relief :

“(i) to call for the record pertaining to present case from the office of respondents and be further pleased to examine the

(Signature)

same and be further pleased to command the respondents/non-applicants to give the benefit of revise pay scale notionally w.e.f. 1.11.1973 and actual benefit be given w.e.f. 16.11.1978 to the applicant in the ends of justice."

2. The applicant was working in the Dandakaranya Development Authority on the post of Senior Draughtsman. In pursuance of the memo dated 13.5.1984 issued by the Ministry of Finance the applicant was appointed on the re-designated post of Draughtsman Grade-I in the revised pay scale of Rs. 550-750/- w.e.f. 13.5.1982. The benefit of the revised pay scale from Rs. 425-700/- to Rs. 550-750/- was given to the applicant w.e.f. 13.5.1982 notionally and actually from 1.11.1983. Some of the persons who were initially working as Draughtsman alongwith the applicant and who were shifted in the Director General Supplies and disposal department at Calcutta have filed a petition before the Central Administrative Tribunal, Calcutta Bench and prayed that benefit of revised pay scale be granted notionally from 1.1.1973 and actually from 16.11.1978. After considering all the material and other circumstances of the case the Tribunal allowed the petition and directed the respondents to give the benefit notionally w.e.f. 22.8.1973 and actually with monetary benefit arising from such fixation in the pre-revised pay scale of pay with effect from 16.11.1978. The applicant retired after attaining the age of superannuation w.e.f. 30.4.1990. One Shri S.L. Verma who was similarly situated like applicant was also not given the benefit of revision of pay therefore, has filed OA No. 97/99 which was allowed on 11.9.2003. One Gurubaxlal whose name is mentioned at serial No. 1 in Annexure A-1 was also discriminated in the matter of grant of fixation of revised pay scale. He had also filed OA No. 85/1999 before this Tribunal and the Tribunal allowed the OA on 20.3.2002. The Government of India, Geological Survey of India, had issued a memo in May, 1988 by which it has been directed that fixation of revised pay scale for draughtsman will be notionally given w.e.f. 1.1.1973 and actually w.e.f. 16.11.1978. The applicant is also entitled to get the benefit of revised pay scale, notionally with effect from 1.1.1973 and actually with effect from 16.11.1978 as is



granted to the similarly situated persons. Hence, the applicant has filed this Original Application.

3. Heard the learned counsel for the parties and carefully perused the records.

4. The learned counsel for the applicant has argued that in the judgments passed in OA No. 85/1999 decided on 20th March, 2002 – **Gurubax Lai Vs. The Secretary Ministry of Home Affairs & Ors.** and in OA No. 97/1999, decided on 11th September, 2003 **S.L. Verma Vs. Secretary, Union of India & Ors.**, the Tribunal considered the similar issue and granted the reliefs claimed by the applicants therein. The case of the applicant is squarely covered in all fours by the aforesaid judgments.

5. On the other hand the learned counsel for the respondents stated that similar issue has already been considered by the Bombay Bench of the Tribunal in OA No. 492/88 – **Dilip Shamrao Gulkari Vs. Union of India & Ors.** dated 13.11.1991.

6. After hearing the learned counsel for the parties and on careful perusal of the judgments cited by both the parties, we are of the considered opinion that the case of the applicant is squarely covered by the judgments cited by the applicant and the cited judgments shall mutatis-mutandis apply to the present case. Accordingly, the present Original Application is disposed of with a direction to the respondents to accord the applicant the benefit of the aforesaid decisions cited by the applicant and he may be given the benefit of revised pay scale notionally w.e.f. 1.1.1973 and actually w.e.f. 16.11.1978 with all consequential benefits, within a period of three months from the date of communication of this order. No costs.


(Madan Mohan)
Judicial Member

“SA”


(M.P. Singh)
Vice Chairman