

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Applications Nos 383/03 and 160/01

Jabalpur, this the 20th day of January, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. G.Shanthappa, Judicial Member

(1) Original Application No. 383/03

Smt. Saroj Gupta,
Widow of late Shri A.K. Gupta
Aged about years,
R/o 1030, Shahi Talab,
Sanjiwani Nagar,
Garha, Jabalpur (MP)

APPLICANT

(By Advocate - Shri Manish Soni)

VERSUS

Union of India,
Through Secretary,
Ministry of Defence,
New Delhi.

The Chairman,
Ordnance Factory Board,
Aukland Road, Calcutta.

3. General Manager,
Vehicle Factory,
Jabalpur (MP)

RESPONDENTS

(By Advocate - Shri P. Shankaran)

(2) Original Application No. 160/01

1. R.P. Yadav son of Late
B.L. Yadav, aged about
51 years, resident of Qr.No.
3268, V.F.J., Estate Sector
II, Jabalpur, Occupation
Service Chargeman, Gr.II,
ITC Vehicle Factory,
Jabalpur.

2. R.K. Parihar, son of Late
S.N. Parihar aged about 52
years, resident of Gyanmaraiya,
Near Sector I, V.F.J. Estate
Jabalpur, Occupation : Service
Chargeman Gr.II I.T.C.
Vehicle Factory Jabaipur.

3. A.L. Rajak, son of late B.L.
Rajak, aged about 48 years,
House No. 31, Mahaveer Compound,
Sadar Bazaar, Cantt. Jabalpur,
Occupation : Service: Chargeman
Gr.II, I.T.C. Vehicle Factory
Jabalpur.

4. Smt. Veermati Jat widow of late K.L. Jat, aged about 48 years, R/o 215 Kanjar Mohalla, Jabalpur, Occupation a widow Pensioner (Her husband was colleague of applicants No.1 to 3 espousing the same cause of action)

APPLICANTS

(By Advocate - Shri Manish Soni)

VERSUS

1. Union of India Through the Secretary, Ministry of Defence New Delhi.

The Chairman,
Ordnance Factory Board,
Auckland Road, Calcutta.

General Manager,
Vehicle Factory,
Jabalpur, M.P.

Smt. Saroj Gupta widow of late Alok Kumar Gupta, aged about 48 years resident of 1030 Shahi Talab, Sanjiwani Nagar, Garha Jabalpur.

RESPONDENTS

(By Advocate - Shri P. Shankaran)

ORDER

By M.P. Singh, Vice Chairman -

As the issue involved and grounds raised in both the above O.A.s. are common and the facts are identical, these Original Applications are being disposed of by this common order.

2. In OA 160/2001, the applicants have claimed the following relief-

"Respondents be kindly commanded to give benefit of Seshagiri Committee recommendation with effect from 1.1.86 instead of 11.9.1989, and hold that the applicants being similarly situated are entitled to benefit of order dated 28.9.1999 Annexure-A-3."

In OA 383/2003 the applicant has claimed the following reliefs-

"the respondents may kindly be commanded to give benefit of Seshagiri Committee recommendation to late husband of the petitioner w.e.f. 1-1-1986 instead of 1989 and hold that late husband of the petitioner being similarly situated is entitled to benefit of order dated 28.9.1999 passed in OA 115/95(Annexure-A-3). The respondents be also directed to pay all the arrears to the petitioner with retrospective effect with interest."

The brief facts of the case are that the applicants 1 to 3 in OA 160/2001 and husbands of applicant no.4 in OA 160/2001, and applicant in OA 383/2003 were appointed in the Vehicle Factory, Jabalpur on different posts, and in due course they were promoted as Senior Punch Verifier Operation in the scale of pay of Rs.330-560 with special pay of Rs.20/- The IVth Pay Commission recommended the pay scale of Rs.1200-2040 as the replacement scale for them. The IVth Pay Commission also gave the following observations-

"In fact, due to rapid development of computerisation in Administration, existing employees should be exposed to this discipline so that their skills get upgraded for switch over to the new technology of work. However, as a long term policy, it will be desirable to develop a cadre of experienced employee trained in EDP and other related areas of work. We are of the view that the Deptt. of Electronics should examine the matter and suggest reorganisation of the existing posts and prescribe uniform pay scales and designations in consultation with the Department of Personnel."

In pursuance of the above observations of the IV CPC, Seshagiri Committee was set up and it recommended the scale of pay of Rs.1350-2200/- in the case of the applicants and others. The Ministry of Defence vide order dated 23.7.1992 (Annexure-A-2) accepted the same. The recommendations of the Seshagiri Committee have been implemented from 11.9.1989 instead of 1.1.1986. Aggrieved by this an O.A.No.115/1995 was filed before this Tribunal by the similarly placed persons and the same was disposed of vide order dated 28.9.1999 in the following terms:

"the respondents are directed to give effect of the pay scale recommended by the Committee w.e.f. 1.1.86 instead of 11.9.89. The respondents are also directed to pay the arrears within three months from the date of receipt of a copy of this judgment. With these directions, the application is disposed of without any order as to costs".

As the respondents have not granted the benefits to the applicants, representations were made. The respondents vide their letter dated 18.9.2001 informed the applicant in OA 383/03 that as her husband was not a party to OA 115/95, no action on her application could be taken.

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4. Heard the learned counsel for the parties. The learned counsel for the applicants argued that as their cases are fully covered by the earlier decision of the Tribunal, they should be granted the same benefits. On the other hand the learned counsel for the respondents contended that the applicants can be granted the benefits of the said judgment but arrears should not be paid to them for the period one year prior to filing of these OAs.

5. In these cases we find that the upgraded scale is to be implemented from 1.1.1986 instead of 11.9.1989 therefore, the contention of the respondents that arrears be not granted from 1.1.1986 is not tenable and rejected.

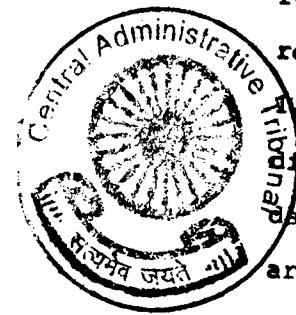
6. The learned counsel for the respondents has also submitted that applicant in OA 383/C3 is widow of the Govt. employee and, therefore, she cannot file an application under Section 19 of the Administrative Tribunals Act, 1985 in view of the decision of the Full Bench of the Tribunal in the case of Smt. Vidhata Vs. Union of India, (1997-2001) A.T.F.B.J. 241 wherein it has been held that legal heirs of a deceased employee are not competent to file application under Section 19 of the AT Act, 1985. We find that in the case of Smt. Vidhata (supra) the deceased employee was removed from service after a disciplinary enquiry. In the instant case by giving the benefit of upgradation of the higher pay scale from a back date i.e. from 1989 to 1986 will entitle the applicant arrears of pay as well as it will entitle her to revised family pension and other consequential benefits. Therefore, the case relied on by the counsel for the respondents is distinguishable and is not applicable to the facts of the instant case. Therefore, this plea taken by the respondents is rejected.

7. In the conspectus of the facts and circumstances mentioned above, we are of the considered view that the present OAs are fully covered by the decision of the

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Tribunal dated 28.9.1999 passed in OA 115/1995 and the applicants are entitled to get the same benefits as have been granted in the said OA.

8. In the result, both the OAs are allowed. The respondents are directed to give effect of the pay scale recommended by the Seshagiri Committee with effect from 1.1.1986 instead of 11.9.1989. The respondents are also directed to pay the arrears to the applicants within three months from the date of receipt of a copy of this judgment. The respondents are further directed to grant consequential benefits including pensionary benefits to applicant Smt. Saroj Gupta in OA 383/2003, and applicant no.4 Smt. Veemati Jat in OA 160/2001 within a period of six months from the date of communication of this order. No costs.



Sd/-
(G. Shanthappa)
Judicial Member

Sd/-
N.M.O
(M. P. Singh)
Vice Chairman

rkv.

प्रांतिक रांगना विभाग
प्रांतिक रांगना विभाग
(1) रांगना विभाग, नियमित विभाग
(2) रांगना विभाग, नियमित विभाग
(3) प्रांतिक रांगना विभाग
(4) रांगना विभाग, नियमित विभाग
सूचना एवं आवश्यक कामियाद्वारा देतु

Shri R.L. Gupta
Shri P. Shankaran

उप रांगना