

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 97 of 1999

Jabalpur, this the 11th day of September, 2003

Hon'ble Shri D.C. Verma, Vice Chairman (Judicial)
Hon'ble Shri Anand Kumar Bhatt, Administrative Member

S.L. Verma, aged about 62 years,
S/o. Late P.L. Verma, Retired
Draughtsman, resident of Village
Bodhghat, District Jagdalpur (MP) ... Applicant

(By Advocate - Shri Nitin Pandharkar)

V e r s u s

1. Secretary, Union of India,
Ministry of Urban Development,
Nirman Bhawan, New Delhi.
2. Chief Planner Town and Country
Planning Organisation, E Block,
Indraprast Estate, New Delhi.
3. Superintending Engineer, Construction
Circle, Dandakaranya Development
Authority, Jagdalpur.
4. Administrative Officer, Country
Planning Org. Officer, Govt of
India, New Delhi. ... Respondents

(By Advocate - Shri S.C. Sharma for Shri B.da.Silva)

O R D E R (oral)

By Anand Kumar Bhatt, Administrative Member -

This original Application is for the prayer to direct the
respondents to give the benefit of revised pay scale
notionally with effect from 01.11.1973 and actual benefits
with effect from 16.11.1978 to the applicant.

2. The facts of the case in brief are that the applicant (Chhattisgarh) was working in the Dandakaranya Project, Jagdalpur as Draughtsman Grade-II. After the project was completed the staff were transferred to various organisations where vacancies existed. Some of the Draughtsman Grade-II who were absorbed in the CPWD Ministry of Works and Housing were governed by the instruc-

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tions issued by the C.P.W.D. *h* Ministry of Works and Housing vide orders dated 26.12.1980 (Annexure A-1) and 10.11.1980 (Annexure A-2), whereby their pay scales were fixed notionally with effect from 01.01.1973 and actually with effect from 16.11.1978. Later on ~~as per orders of~~ the Ministry of Finance, Department of Expenditure has issued order dated 19.10.1994, by which revised pay scale was given notionally with effect from 13.05.1982 and actually with effect from 01.11.1983. The applicant was given the benefit of up-
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gradation of pay scale in line *of* the Draftsman Grade-II of C.P.W.D. However, whereas the C.P.W.D. employees got this benefit notionally with effect from 01.01.1973 and actually from 16.11.1978, in the applicant's case the benefit was given from subsequent date notionally with effect from 13.05.1982 and actually with effect from 01.11.1983. The applicant gave representation to the Department, wherein it was pointed out that there is a judgment of the Calcutta Bench of the Tribunal on the same issue in favour of the persons who were working under the Directorate General of Supplies and Disposal. This representation was rejected. The applicant has pointed out that one of the applicant in OA No. 1377 of 1990 filed before the Calcutta Bench, was working with the present applicant in Dandkaranya Project in the same scale of pay. The applicant has prayed that he should also be given the same benefit as was applicable to other surplus employees *who/* ^{were} absorbed in similar capacity in C.P.W.D. and D.G.S & D. In addition to the said OA of Calcutta Bench in which the order was passed on 09.02.1994, the learned counsel for the applicant has also pointed out a judgment based on the same lines by this Bench of the Tribunal in OA No. 85 of 1999, order passed on 20.03.2002. This judgment has *relied* ^{also} *on* the judgment of the Constitution Bench of the Apex court in the case of K.C. Sharma Versus

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Union of India and others reported in JT 1997(7) SC 58. Shri Pandharkar has requested that the same benefit as applicable in other Departments should be given to the applicant also.

3. The learned counsel for the respondents has on the other hand averred that the benefit that has been given to the C.P.W.D. is exclusive to them and is not applicable to the applicant and the applicant was already given the benefit of revised pay scale as per order of the Ministry of Finance dated 13.03.1984 (Annexure R-2) and dated 19.10.1994 (Annexure R-3).

4. We went through the pleadings on both the sides and for both the parties heard the counsel at length.

5. There is already a judgment of the Calcutta Bench of this Tribunal, wherein the benefits that were given to the C.P.W.D., were made applicable to similarly placed persons who were absorbed in the D.G.S & D. Our Bench has also relied on the same judgment ~~as~~ given decision in favour of Gurubax Lal in OA No. 85/1999 (supra), who belongs to the same Department as the applicant i.e. Chief Planner, Town and Country Planning Organisation, New Delhi. Under the circumstances we have no hesitation in going by the said orders and order that the applicant is entitled to the benefits of notional fixation with effect from 01.11.1973 and actual benefits with effect from 16.11.1978 with all consequential benefits including pensionary benefits. This order should be complied by the respondent No. 2 within 4 months from the date of receipt of copy of this order.

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6. Original Application is allowed accordingly. No costs.

Anand Kumar Bhatt
(Anand Kumar Bhatt)
Administrative Member

D.C. Verma
(D.C. Verma)
Vice Chairman (J)

प्रांतीकन से ओ/न्या..... जलपुर, दि.....
पतिलिपि अचोहित:—
"SA" (1) राधिक, उत्तर न्यायालय बार एसोसिएशन, जलपुर
(2) आयोग, श्री/महिला/कु..... के कानूनस्थ
(3) फलाडी श्री/महिला/कु..... के कानूनस्थ
(4) चंद्रपत्र, कोप्रल, जलपुर न्यायपीड
सूचना एवं आवश्यक कार्यवाही हेतु

*N. Pandharkar Adv
Bolasia Adv*

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