

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR
BENCH, JABALPUR

Original Applications Nos. 741/99 and 333/2000

Jabalpur, this the 29th day of March, 2005.

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Ms. Sadhna Srivastava, Judicial Member

Original Application No.741 of 1999

1. Bhuanlal Ratde,
Aged about 42 years,
S/o Shri S. Ratde, Short Term Medical
Officer, (S.T.M.O.), Ordnance Factory,
Khamariya Hospital, Jabalpur(M.P.)
2. Dr. Prashant Kumar Sancheti,
s/o Shri M.C. Sancheti,
Aged about 37 years, (STMO)
OFK Hospital, R/o 1920,
Wright Town, Jabalpur(M.P.)
3. Dr. Sarkar, Asit,
Aged about 30 years,
S/o Shri Atul Chandra Sarkar,
(STMO) G.C.F. Hospital
R/o 63/2, Chitranjan Marg, G.C.F.
Estate, Jabalpur(M.P.)
4. Dr. John Mathai,
S/o late R.K. Mathai
Aged about 33 years (STMO)
G.C.F. Hospital, R/o 3/1, B-Block,
Datt Arcade, Civil Line, Jabalpur
5. Dr. Lalit Kumar Pandey,
S/o Shri S.L. Pandey,
Aged about 35 years, (STMO)
VFJ Hospital, House No. 850,
Street No.16, Cantt. Jabalpur,
48001.
6. Dr. Sanjay Tiwari,
S/o B.D. Tiwari,
Aged about 34 years, (STMO)
GCF Hospital, R/o 1047-A,

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Vijay Nagar, Behind Krishi Upaj Mandi,
Jabalpur.

7. Dr. Shail Singh Yadav,
Wife of Dr. Rajiv Yadav,
Aged about 22 years, (STMO)
Ordnance Factory Khamariya.

8. Dr. Vandana Karemore,
Aged about 33 years, (STMO)
Vehicle Factory, Jabalpur Hospital,
Wife of R.G. Karemore, Qr. No.545,
Type-IV, Sector-II, V.F.J. Estate.
Jabalpur

Applicants.

(By Advocate – Shri V.Tripathi on behalf of Shri S.Paul)

V E R S U S

1. Union of India,
Through – It's Secretary,
Ministry of Defence, New –Delhi.

2. Director/Chairman,
Ordnance Factory Board,
10-A Khudiram Bose, Marg,
Calcutta.

3. General Manager,
Ordnance Factory Khamariay,
Jabalpur

4. General Manager,
Gun carriage Factory,
Jabalpur.

5. General Manager,
Vehicle Factory, Jabalpur.

Respondents.

(By Advocate – Shri S.A.Dharmadhikari)

Original Application No.333 of 2000

Dr. Rini Kurivila,
D/o Shri T.N. Kurivila,
Aged 30 years, r/o 290 4,
Saket Nagar, Ranjhi,
Jabalpur.

Applicant.

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(By Advocate – Shri V. Tripathi on behalf of Shri S.Paul)

V E R S U S

1. Union of India, through its Secretary, Ministry of Defence, New Delhi.
2. Director/Chairman, Ordnance Factory Board, 10-A Khudiram Bose Marg, Calcutta.
3. General Manager, Gun Carriage Factory, Jabalpur.
4. General Manager, Vehicle Factory, Jabalpur

Respondents.

(By Advocate – Shri B. da.Silva)

ORD E R (Common)

By M.P. Singh, Vice Chairman –

The issue involved in both the OAs is common and the facts and ground are identical, for the sake of convenience both the OAs are being disposed of by this common order.

2. By filing these OAs, the applicants have claimed the following main reliefs :-

OA No.741/99 :-

- “(ii) Set aside the order dated 10.6.1999 “Annexure A-1”.
- (iii) Command the respondents to grant the pay scale of 8000-13,500/- to the applicants w.e.f. 1.1.1996 with arrears and other benefits.
- (iv) Direct the respondents to provide annual increments to the applicants from the date of their initial appointment.

* (4) *

(v) Direct the respondents to pay interest and delayed payment at the rate of Rs.15% per annum.

OA No. 333/2000 :-

(ii) Set aside the order dated 10.6.1999 Annexure A-1.
(iii) Command the respondents to grant the pay-scale of Rs.8000-13500/- to the applicant w.e.f. 1.1.1996 with arrears and other benefits;
(iv) Direct the respondents to provide annual increments to the applicant from the date of her initial appointment;
(v) Direct the respondents to pay interest on delayed payment at the rate of 18% per annum."

O R D E R (Oral)

The brief facts of the case in both the Original Applications are that the applicants are working as Short Term Medical Officers (in short STMOs) in various hospitals of Ordnance Factories at Jabalpur. They were appointed as STMOs on different dates during the period from 11.10.1989 to 30th April, 1996. They were appointed on a fixed pay of Rs. 2200/- plus other allowances prior to 3.4.1998. Now the same has been revised to Rs. 8,000/- after the revision of the pay scales on the recommendation of the Vth Central Pay Commission. The applicants have made representations to the respondents to grant them the revised pay scale on the basis of the Vth Central Pay Commission with effect from 1.1.1996 instead of 3rd April, 1998. The respondents vide their letter dated 10th June, 1999 rejected the request of the applicant. Aggrieved by this order the applicants have filed the present Original Applications seeking directions to the respondents to grant them the pay scale of Rs. 8000-13500/- with effect from 1.1.1996 alongwith the arrears and other benefits with annual increments and interest at the rate of 15% per annum on the delayed payment.

2. The respondents in their reply have stated that the aforesaid benefits could not be granted to the applicants because the Ministry of Finance have clarified that "if a person has been appointed in a prescribed pay scale of pay and is also being allowed all allowances like DA, HRA and CCA as applicable to a Govt. servant, he is entitled to the



benefits of CDS (RP) Rules, 1997 irrespective of the fact as to whether he was appointed on adhoc basis, temporary basis or regular basis". The respondents have also stated that the STMOs appointed on adhoc basis are entitled to revised pay scale of Rs. 8000/- per month from the date it has been sanctioned by the competent authority in Government of India i.e. from 3rd April, 1998 and the question of grant of arrears with effect from 1.1.1996 does not arise. The STMOs have been appointed on fixed pay basis on the terms and conditions as stipulated in their appointment letters.

3. OA No. 741/1999 was firstly heard on 23.1.2004 and it was felt that there are contradictory judgments passed by the various benches of the Tribunal, hence, vide order dated 10.2.2004, the matter was referred to the Full Bench.

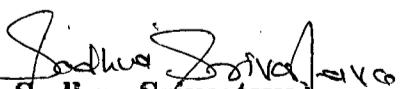
4. As per the orders of the Chairman the Full Bench was constituted and it again heard both the parties at great length to consider the issue. The Full Bench vide its order dated 9th March, 2005 has held as under :

"28. For these reasons, we answer the reference as under :

The applicants shall only be entitled to the salary of Rs. 2200/- per month with allowances from 1.1.1996 as per the contract, till revised. However, the Government may reconsider the same, in the light of our findings above."

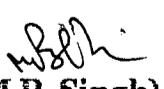
Since the issue involved in both the Original Applications has been decided by the Full Bench in the aforesaid judgment and the same has been rejected, both the Original Applications are also dismissed with no order as to costs.

5. A copy of this order be kept in the other file of OA No. 333/2000.


(Ms. Sadhna Srivastava)

Judicial Member

"SA"


(M.P. Singh)

Vice Chairman