

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.4518/2011

New Delhi this the 9th day of March, 2017

HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MR. P.K. BASU, MEMBER (A)

Ms. Neeru Singhal
R/o 298, Sector-4,
R.K. Puram,
New Delhi-110022.

....Applicant

(By Advocate: Mr. Amit Anand)

Versus

Union of India: Through

1. Secretary,
Ministry of Defence,
South Block,
New Delhi.
2. Joint Secretary (TRG) & CAO,
Ministry of Defence,
South Block,
New Delhi.
3. CGDA,
West Block-V,
R.K. Puram,
New Delhi-110066. Respondents

(By Advocate: Mr. R.N. Singh)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

Heard both sides.

2. The applicant, who is presently working as Programmer under the respondents, filed the OA, seeking the following reliefs:

“(i) Direct the respondent to correctly implement the Office Memorandum No.B/00306/ADGSYS/S&C(Adm)/ 1314/DO/D (GS-I) Min. of Defence dated 03.09.1998 and Govt. letter No.A/26031/EDP/CAO/CP dated 06.12.1994 for the applicant who was recruited under the extent of Recruitment Rules dated 21.01.985, by granting her one time placement in the next higher scale (Rs.3000-4500) w.e.f. 28.01.988 as per Para 1 of Govt. Letter No. A/26031/EDP/CAO/CP dated 06.12.1994 and maximum scale that has been provided in the Govt. Letter for Programme Assistant is in the pay scale of Programmer Rs.2375-3500 (pages 5(4) above refers) which has already been given to the applicant who was Programme Assistant as on 28.01.1988 by contempt C.P. No.____of 2011 in OA No.2263/2008, there is no merit to grant her the scale of Rs.3000-4500 as claimed by her.

(ii) To grant any other benefit which may deem fit and proper by this Hon’ble Tribunal in the interest of justice and

(iii) To award cost to the applicant who has dragged into litigation unnecessarily due to callous attitude of the respondents”.

3. The learned counsel for the applicant submits that the OA deserves to be allowed as the subject matter of this OA is squarely covered by the decision of this Tribunal in OA No.1959/2010 – **Km. Mridula Gupta v. Secretary, Ministry of Defence & others**, decided on 17.05.2016.

4. Though the counter has been filed by the respondents opposing the claim of the applicant, learned counsel for the respondents, today, on instructions from Shri Neeraj Kumar Srivastava, departmental representative, who is present in the Court, submits that in an identical circumstance OA No.1959/2010 filed by **Km. Mridula Gupta** (supra) was disposed of by this Tribunal on 17.05.2016, with the following directions:

“16. In conclusion, we are of the clear opinion that the applicant has been wrongfully denied the benefit, first in 1989

OM by not designating her as Programmer in the pay scale of Rs.2375-3500 and then again denying her the benefit of letter dated 06.12.1994 granting upgradation to the next pay scale of Rs.3000-4500. The OA is, therefore, allowed. Respondents are directed to grant the applicant the re-designated category of Programmer and then grant her one time placement in the next higher grade in accordance with policy stated in letter dated 06.12.1994 w.e.f. 01.01.1986 with all consequential benefits. The time frame allowed for implementation of this order is two months from the date of receipt of copy of this order. No costs.”

5. The learned counsel for the respondents submits that they have challenged the aforesaid directions before the Hon’ble High Court of Delhi in W.P. (C) No.7433/2016 – **Union of India & Ors.**

V. Mridula Gupta, wherein no order of stay has been passed till date.

6. In view of the aforesaid submissions and since this Tribunal has already disposed of an identical OA No.1959/2010 on 17.05.2016 in the case of **Mridula Gupta** (supra), and there is no stay by the Hon’ble High Court as on date, we dispose of this OA in terms of the decision in OA No.1959/2010 dated 17.05.2016 (supra), however, the same is subject to the result of the Writ Petition (C) No.7433/2016 (supra) which is pending before the Hon’ble High Court against OA No.1959/2010 (supra). No costs.

(P.K. BASU)
Member (A)

(V. AJAY KUMAR)
Member (J)

cc.