

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**OA-3726/2018
MA-4163/2018**

New Delhi, this the 01st day of October, 2018

Hon'ble Sh. V. Ajay Kumar, Member(J)
Hon'ble Sh. A.K. Bishnoi, Member(A)

1. Central PWD Engineers Association,
Through its General Secretary,
P.R. Charan Babu,
Aged about 55 years,
S/o Sh. P. Suresh Babu,
R/o 17-B, Pkt-B, Mayur Vihar,
Phase-II, Delhi-110091
O/o Central PWD Engineers Association,
'B' Wing, Ground Floor (Outside End),
IP Bhawan, New Delhi – 110002.
2. Biswarup Biswas, EE(E), Group 'A',
Aged about 52 years,
S/o late Sh. S.N. Biswas,
R/o Flat No. 29, Plot No. 8,
Hijm Vihar Apartment, Patparganj,
IP Extension, Delhi-110092.
3. Mukesh Kumar Sharma, AE(C),
Aged about 51 years,
S/o Sh. G.D. Sharma,
R/o H.No. A-101, Kaushambi, Ghaziabad,
UP-201010.

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Applicants

(through Sh. M.K. Bharadwaj)

Versus

1. Union of India,
Through its Secretary,
Ministry of Housing & Urban Affairs,
Nirman Bhawan, New Delhi.
2. The Director General,
CPWD, Nirman Bhawan,
New Delhi.

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Respondents

(through Dr. Shamshuddin Khan)

ORDER(ORAL)**Hon'ble Sh. V. Ajay Kumar, Member(J)**

Heard learned counsel for the applicant and Dr. Shamshuddin Khan, learned counsel for the respondents on receipt of advance notice.

MA No. 4163/2018 filed for joining together is allowed.

OA No. 3726/2018

The first applicant is the Association and the applicant numbers 2 and 3 are the individual employees. They filed the OA seeking the following reliefs:

"(i) To quash and set aside the impugned OM dated 06.09.2018 and OM dated 19.07.2017 and direct the respondents to fix the pay of all applicants by applying the factor of 1.86 to Rs. 7450 (7450-11500) as on 01.01.2006 along with benefit of bunching wherever applicable and release all the arrears of pay.

(ii) To declare the action of the respondents in not treating the applicants minimum pay of Rs. 7450 in the pay scale Rs. 7450-11500 as existing pay scale as on 01.01.2006 as illegal and issue appropriate directions to fix the pay for the applicants as on 01.01.2006 by multiplying the existing basic pay i.e. Rs. 7450 by factor of 1.86 and grant all consequential benefits with arrears and interest by quashing all the adverse orders and declaring the OM dated 13.10.2008 ultravires to the CCS (Revised) Pay Rules and Constitution of India, if required.

(iii) To direct the respondents to remove pay anomaly by fixing the pay of applicants in the pay scale of Rs. 9300-34800 with grade pay of Rs. 4600 from 01.01.2006 at appropriate stage and pay all consequential benefits.

(iv) to allow the OA with exemplary costs.

(v) to pass any such other order as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."

2. It is seen that the impugned Annexure A/1 Office Memorandum dated 06.09.2018 is an internal correspondence and till date no orders re-fixing the pay of the applicants or ordering any recovery are passed by the respondents. It is also seen that the applicants have not made any representation against the impugned Annexure A-1 Office Memorandum dated 06.09.2018 even if they are

having any objection to the same. Learned counsel for the applicant submits that the subject matter of the OA is already covered by the decision of Hon'ble High Court in WP(C) No. 8058/2015 & CM 16635/2015 dated 04.11.2016.

3. In the circumstances, the OA is disposed of at the admission stage itself without going into the merits of the case by permitting the applicants to make appropriate representation ventilating their grievances to the respondents and if such a representation is made, the respondents may consider the same and pass appropriate reasoned and speaking order within a reasonable period, in accordance with law, duly keeping in view the decisions on which the applicants have placed reliance.

Let a copy of the OA, be enclosed to this order.

(A.K. Bishnoi)
Member(A)

(V. Ajay Kumar)
Member(J)

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