

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD**

**OA/021/732/2017 &
OA/21/887/2017**

Date of Order : 01.08.2018

Between:

1. N. Yellaiah,
S/o. Sri N. Pentaiah,
MES No.126519 aged about 68 years,
Occ: Valveman (Retd),
Military Engineers Service,
Office of the Garrison Engineer,
Mudfort, R/o. Hyderabad.
2. E. Mysaiah,
S/o. Sri E. Poshaiiah,
MES 180216, aged about 69 years,
Occ: Valveman,
Military Engineers Service,
Office of the Garrison Engineer,
Mudfort, R/o. Hyderabad.
3. Smt. Yadamma,
W/o. Late Sri C. Era Swamy,
(MES No.104609 of her husband)
Aged about 56 years,
Occ: Valveman (Retd),
Military Engineers Service,
Office of the Garrison Engineer,
Mudfort, R/o. Hyderabad.

..... Applicants in OA 732/2017

1. B. Balayya,
S/o. B. Lingayya,
MES No.116505, aged 65 years,
Occ: Valveman (Retd),
Military Engineers Service,
Office of the Garrison Engineer,
Mudfort, R/o. Hyderabad.
2. K. Narasimha,
S/o. K. Agaiah,
MES No.180549, aged 54 years,
Occ: Valveman,
Military Engineers Service,
Office of the Garrison Engineer,
Mudfort, R/o. Hyderabad.

3. B. Arjun,
S/o. B. Narayana,
MES No.141826, aged 52 years,
Occ: Valveman,
Military Engineers Service,
Office of the Garrison Engineer,
Mudfort, R/o. Hyderabad.
4. C. Muthaiah,
S/o. C. Ailaiah, MES No.141886,
Aged 52 years,
Occ: Valveman,
Military Engineers Service,
Office of the Garrison Engineer,
Mudfort, R/o. Hyderabad.
5. E. Ramulu,
S/o. E. Pochaiah,
MES No.116634, aged 54 years,
Occ: Valveman,
Military Engineers Service,
Office of the Garrison Engineer,
Mudfort, R/o. Hyderabad.
6. P. Sattaiah,
S/o. P. Pochaiah,
MES No.C454779, aged 52 years,
Occ: Valveman (Retd),
Military Engineers Service,
Office of the Garrison Engineer,
Mudfort, R/o. Hyderabad.
7. B. Krishna,
S/o. Balaram,
MES No.142976, aged 66 years,
Occ: Valveman (Retd),
Military Engineers Service,
Office of the Garrison Engineer,
Mudfort, R/o. Hyderabad.
8. C. Yadagiri,
S/o. C.B. Bhoomaiah,
MES No. ---- aged 50 years,
Occ: Valveman (Retd),
Military Engineers Service,
Office of the Garrison Engineer,
Mudfort, R/o. Hyderabad.
9. Smt. P. Balamani,
W/o. Late P. Lakshmaiah, aged 52 years
(MES No.180578 of her husband),

Occ: Valveman (Retd),
Military Engineers Service,
Office of the Garrison Engineer,
Mudfort, R/o. Hyderabad.

10. Smt. Nilabai,
W/o. Late Sri K. Sattaiah, aged 54 years,
(MES No.141782 of her husband),
Occ: Valveman (Retd),
Military Engineers Service,
Office of the Garrison Engineer,
Mudfort, R/o. Hyderabad.

..... Applicants in OA No.887/2017

AND

1. The Union of India rep. by
The Secretary to Government,
Ministry of Defence,
South Block,
New Delhi.
2. The Engineer-in-Chief,
Integrated Head Quarters of
Ministry of Defence (Army),
Kashmir House, Rajaji Marg,
New Delhi.
3. The Chief Engineer,
Military Engineers Service,
Southern Command, Pune.
4. The Command Works Engineer,
Military Engineers Service,
Mudfort, Secunderabad.
5. The Garrison Engineer,
Military Engineers Service,
Mudfort, Secunderabad.

..... Respondents in both the O.As

Counsel for the Applicants : Mr. Siva

Counsel for the Respondents : Mr. A. Radhakrishna, Addl. CGSC
(in O.A. No.732/2017)
Mr. A. Vijaya Bhaskar Babu, Addl. CGSC
(in O.A. No.887/2017)

CORAM :

THE HON'BLE MR.JUSTICE R.KANTHA RAO, JUDL. MEMBER
THE HON'BLE MRS. NAINI JAYASEELAN, ADMN. MEMBER

ORAL ORDER

{ Per Hon'ble Mr.Justice R. Kantha Rao, Judl. Member }

Heard both the learned counsel.

2. The O.As have been filed to declare the action of the Respondents in not granting the benefit of a higher pay scale in the post of Valveman on par with the Applicants in O.A. No.1206/2014 dated 12.2.2016 as arbitrary and illegal and consequently to issue a direction to the Respondents to fix their pay and allowances in the pay scale of Rs.260-400/- and revised from time to time in accordance with the decision of the Government of India on the recommendations of the IV, V and VI Central Pay Commissions w.e.f the date on which the Applicants are promoted as Valveman on being recognized as a Skilled Category.

3. The issue involved in these cases is no longer res integra. The Central Administrative Tribunal of Madras Bench in O.A. Nos 128, 433 & 434/2013, by following the judgements of various Central Administrative Tribunals and also the Hon'ble High Court of Madras, vide order dated 28.8.2013 directed the Respondents therein to fix the pay scale of the applicants therein at Rs.260-400/- . Following the said judgement, this Tribunal in O.A. No.1206/2014 directed the Respondents to grant pay scale of Rs.260-400/- to the applicants therein from the date on which they were promoted and held that the pay scale attached

to the Valveman has been upgraded to Rs.260-400/-. Accordingly, the Tribunal allowed the O.A.

4. In the instant case, as can be seen from the reply statement filed by the Respondents, the contention seems to be that only those candidates who are directly recruited to the post of Valveman are entitled to the pay scale of Rs.260-400/- but the Applicants who are promoted to the said post are not entitled to the said pay scale. Advertent to the said contention, it requires to be noticed that the same contention was advanced earlier before this Tribunal and the Tribunal repelled the contention and subsequently held that the applicants therein are entitled to the pay scale of Rs.260-400/- from the date on which they were promoted. Therefore, these cases are squarely covered by the orders passed in O.A. No.1206/2014 and the same benefit can be extended to the Applicants herein.

5. The O.As are, therefore, allowed and the Respondents are directed to grant pay scale of Rs.260-400/- to the Applicants from the date on which they were promoted within eight weeks from the date of receipt of a copy of the order and the pay scale attached to the Valveman has been upgraded to Rs.260-400/-. No order as to costs.

(NAINI JAYASEELAN)
ADMN. MEMBER

(JUSTICE R. KANTHA RAO)
JUDL. MEMBER

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