

**Central Administrative Tribunal
Madras Bench**

OA/310/00109/2014

Dated 25th April Two Thousand Nineteen

P R E S E N T

**Hon'ble Mr. P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)**

1. K.Ravikumar
2. G.Suresh .. Applicants

By Advocate **M/s.Prabhu Mukunth Arunkumar**

Vs.

1. The Union of India rep by
Secretary to the Govt. of India,
M/o Defence,
South Block, DHQ Post,
New Delhi 110011.
2. The Director General of Ordnance Services,
Master General of Ordnance Branch,
“A”-Wing, 2nd Floor, Sena Bhawan,
Integrated Head Quarters of Ministry of Defence (Army),
DHQ PO, New Delhi 110 011.
3. The Officer-in-Charge,
AOC-RECORDS, Tirumulghery Post,
Secunderabad, AP-15.
4. The Controller of Defence Accounts
No.506, Anna Salai, Teynampet,
Chennai 600 018.
5. The Commandant,
Ordnance Depot Avadi,
IAF Post, Avadi,
Chennai 600 055. .. Respondents

By Adovacte **Mr.K.Rajendran**

ORDER

[Pronounced by Hon'ble Mr.P.Madhavan, Member(J)]

This is an OA filed seeking the following relief:-

“to call for the records relating to this case and further direct the respondents to grant them the pre-revised pay scale of Rs.3200-4900 from the date of initial appointment as Telephone Operator Grade-II or w.e.f. 01.01.1996 whichever is later and further direct the respondent to grant pre-revised pay scale of Rs.5000-8000 after completion of 16 years service and Rs.5500-9000 after completion of 26 years total service with all consequential and attendant benefits with proper replacement scales including arrears of pay at par with similar employees of other depots within a stipulated time frame and pass such further or other order or orders as this Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.”

2. The applicants' case is that that they were appointed as Telephone Operators Grade-II in the 2nd respondent office and they were granted first, second and third ACPs in the course of their service. According to the applicants, their pay ought to have been fixed at pre-revised scale of Rs.3200-4900 w.e.f. 01.01.1996 and they are also entitled to get the attendant benefits on replacement of scales. According to the applicants, the Haryana and other Benches of this Tribunal had granted the same relief in the following case:-

“O.A.No.45 – HR – 2002 (Balraj Singh & Others vs. Union of India & Others) before the CAT Haryana dated 13.9.2002 upheld till the Supreme Court,

O.A.No.322 of 2003 (Yoginder Kumar & Others vs. Union of India & Others) before the Principal Bench of CAT dated 11.09.2003,

O.A.No.675 – PB – 2005 (Swaran Kaur & Others vs. Union of India & Others) CAT, Chandigarh Bench dated 31.8.2006.”

The respondents had also implemented the same in many sections. Eventhough the applicant submitted representation before the respondents, they had denied the implementation stating that the decision of the Haryana Bench cannot be implemented as it was a case of judgment in personam. Thereupon they had approached CAT, Madras Bench and filed OA 786/2007 for granting the relief. After perusal of the records, the CAT, Madras Bench had directed the respondents to consider and pass appropriate orders. Even thereafter, the respondents had not passed any order and the applicants were compelled to file OA 477/2008 for granting pre-revised scale w.e.f. 01.1.96. When the case came up for admission, the CAT, Madras Bench had passed an order on 18.7.2008 stating that the Ministry of Defence is revising the scale of those working in the Ordnance services and in the light of the above, the respondents were directed to consider the representation of the applicant also and pass appropriate orders. The respondents rejected the representation as per order dated 12.11.2006 that the orders passed by CAT, Chandigarh Bench is applicable only to the parties therein. The applicants are mainly relying on the decision of the CAT, Patna and Haryana and CAT, Principal Bench and Chandigarh Bench for getting the pay fixed in the pre-revised scale.

3. The respondents appeared and filed a detailed reply statement admitting the employment of the applicants as Telephone Operator and the grant of ACP as pleaded by the applicants. It is also admitted that the Haryana Bench in OA No.45-HR-2012 had granted the relief and according to the respondents this judgment is applicable

only to the applicants therein. It is also admitted that the Madras Bench as per order in OA 787/2007 and OA 477/2008 has directed the respondents to examine the relief sought by the applicants and dispose of the representation. Accordingly, 3rd respondent had examined the relief sought by the applicants and according to the respondents, the matter is still pending before the Ministry of Defence and no orders can be passed till an order is passed by the Ministry of Defence. It is also submitted that the benefits of Time Bound Pay (TBP) on completion of 16 years and 26 years as granted in OA No.45-HR-2012 in Balraj Singh & Others vs. Union of India & Others was upheld by the Hon'ble Supreme Court. It was also admitted that in Yoginder Kumar & Others vs. Union of India & Others, the Principal Bench of the CAT in O.A.No.322 of 2003 had granted the same relief. It was also submitted that the granting of revised pay scales and TBP on completion of 16 years and 26 years is being examined by the Government of India, Ministry of Defence and the respondents being the nodal agency can implement the orders only after the approval of Government of India, Ministry of Finance.

4. We have heard both sides and perused the pleadings and Annexures produced in this case. The applicant herein claims for getting pre-revised scale of Rs. 3200-4900 from the date of appointment to Telephone Operator Grade II and grant the Time Bound Financial upgradation on completion of 16 and 26 years with all consequential benefits. They mainly rely upon the decision of the co-ordinate benches of Patna and Haryana, Principal Bench and Chandigarh Bench in the cases

referred supra. The 1st respondent, as per order dated 27.2.2004 had granted the relief of pre-revised scale to those applicants also. Eventhough the respondents had gone upto Supreme Court, they could not get any relief and the respondents are bound to implement the order. The applicants are also similarly situated and similarly placed and the same law is applicable to the applicants also. There is no merit in the contention of the respondents that the proposal for giving the revised scale is pending before the Ministry of Defence and it is not a ground for denying the same relief to the applicants. The relief claimed by the applicants is already granted by various CAT Benches and it is now not a judgment in personam. It is a principle of law that people should not be unnecessarily driven to the court for getting a relief which is already granted to similarly placed persons. We find no merit in the contention put forward by the respondents in this case. In fact, the respondents had not categorically denied the liability to implement the various orders passed by the Tribunals in the cases mentioned supra. So, according to the us the same relief granted to the applicants in the above OAs has to be granted to the applicants in this case also. They are similarly placed and similarly situated and they are also entitled to get the benefit without any discrimination. This court is also bound to follow the dictum laid down by the various co-ordinate benches. Accordingly, we hereby order the respondents to grant the relief of pre-revised pay scale of Rs. 3200-4900 for Grade II Telephone Operators and Rs.5000-8000 to Grade-I Telephone Operators and

Rs.5500-9000 to the applicants notionally and they are entitled to get the fixation accordingly. It is made clear that the applicants will be entitled to claim arrears of pay only from 21.1.14 on which date this OA was filed. OA is disposed off accordingly. No costs.

(T.Jacob)
Member(A)

(P.Madhavan)
Member(J)

25.04.2019

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