

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.606/2014.

Date of Decision: 18.01.2019.

CORAM: DR. BHAGWAN SAHAI, MEMBER (A)
R.N. SINGH, MEMBER (J)

1. Rajeev Sarkar son of Ramkrishna Sarkar
Aged about 33 years,
Residing at Type C 15/7, Range Hills Estate,
Khadki, Pune 411 020.
2. Surendra Bisoi son of Domburudhar Bisoi,
Aged about 47 years,
Residing at B 6/4, Rangehills Estate,
Khadki Pune 411 020.
3. Vithal E Karande son of Eknath Karande
Aged about 42 years,
Residing at Yash Kunj, Amrutha Colony,
Pimple Gaurav, Pune 411 061.
4. Sayeed Uddin son of Wahid Uddin
Aged about 48 years,
Residing at Survey No.28, Munjaba Wasti,
Dhanori, Pune 411 015.
5. R A Chougale son of Anna Chougule
Aged about 47 years,
Residing at Survey No.27/3, Road No.11-B,
Shanti Nivas, Munjaba Wasti,
Dhanori, Pune 411 015.
6. Veer Puri son of Shiv Puri
Aged about 52 years,
Residing at flat No.22, B Wing, Goyal Enclave,
Vishranthwadi Pune 411 015.
7. Sandeep N Titkare son of Namdev Titkare
Aged about 32 years,
Residing at Bhalekar Nagar,
Pimple Gurav Pune 411 061.
8. R G Asware son Genu Asware,
Aged about 35 years,

Residing at Post Kuruli, Taluk Khed,
Pune 410 501.

9. Sayyed Rashid son of Bahadur Sayyed
Aged about 39 years, Residing at Laxminagar,
Dhanori, Pune 411 015.
10. B S Gore, son of Sadashiv Gore,
Aged about 33 years,
Residing at Post Talegaon Dhamdhere
Dhaneswarnagar, Taluk Shirur
District Pune 412 208.
11. S T Barve son of Tukaram Barve
Aged about 38 years,
Residing at Survey No.26, Plot No.2/1/70
Road No.9, Munjab West, Dhanori,
Pune 411 015.
12. M V Desai son of Vishnu Desai,
Aged about 41 years,
Residing at Survey No.26/1, Jai Hari,
Munjabawasti, Dhanori, Pune 411 015.
13. H R Bhatkare, son of Raghunathrao Bhatkare,
Aged about 43 years,
Residing at Bhosari, Pune 411 039.
14. Pandian son of Sivankalai Pandian,
Aged about 51 years,
Residing at Rangehills Estate,
Khadki, Pune 411 020.
15. P D Chapate son of Dnyaneshwar Chapate
Aged about 30 years, Survey No.84,
Javalkal Nagar Near Shinde Flour Mills,
Pimple Gurav, Pune 411 061.
16. S G Khadtare son of Sukhdeo Khadtare,
Aged about 45 years,
Residing at Survey No.24, Road No.6,
Near Durgamantha Mandir, Kalas,
Pune 411 015.
17. Dhanaji Patil son of Vasant Patil
Aged about 35 years,
Residing at C/o I.I.Mulani,
101, Kavade Nagar,

Opposite Ganesh Mangal Karyalaya,
New Sangvi, Pune 411 061.

18. R C Kumbhar son of Chandrashekhar Kumbhar,
Aged about 36 years,
Residing at C/o K V Chavan, Survey No.70/1/20,
Samata Nagar, New Sangvi,
Pune 411 061.
19. Ankush Navale son of Gulabrao Navale
Aged about 38 years,
Residing at Survey No.38/1, Keshav Nagar,
Mundhwa, Pune 411 036.
20. Hemant Adsul son of Pandurang Adsul,
Aged about 43 years old,
Residing at 232, Dattawadi, Pune 411 030.
21. Anand Kadam son of Janardan Kadam,
43 years old, Residing at 56/442,
Laxminagar, Parvati, Pune 411 009.
22. Sujit Kudale son of Gulabrao Kudale,
36 years old, Residing at Gat. No.-551/1,
Sector 16, Chikhali, Kudalewadi,
Pune 411 039.
23. Yogesh Shinde son of Pandurang Shinde,
Aged about 37 years, Residing at Rajgurunagar,
Wad road, Pune 410 505.
24. Lahu Titkare son of Chandrakanth Titkare,
Aged about 36 years,
Residing at Survey No.38, Visranthwadi,
Dhanori, Pune 411 015.
25. Pradip Ovhal son of Ashok Ovhal,
Aged about 38 years old,
Residing at Behind, Pranraj Garden,
Dhanori, Pune 411 015.

... **Applicants**

*(All working as Machinists in the 512 Army
of Base Workshop, Khadki,
Pune 411 003.)*

(By Advocate Shri P.J.Prasadrao)

VERSUS

1. Union of India, Through the Secretary,
Ministry of Defence, South Block,
New Delhi 110 011.
 2. The Directorate General of EME (Civ-2),
MGO's Branch Integrated Headquarters of MoD (Army)
Pin 900 106 C/o 56 APO.
 3. Commander, HQrs Base Workshop Group EME,
Meerut Cantonment, Meerut 250 001.
 4. Commandant,
512 Army & Base Workshop,
Khadki Pune 411 003.
- ... Respondents
- (By Advocate Shri V.S. Masurkar)

ORDER (Oral)

Per : R.N. Singh, Member (J)

Heard the learned counsels for the parties.

2. The Applicants in the present OA are stated to be aggrieved of the orders dated 24.10.2013 i.e. (Annex.A-1, A-2 & A-3) and a letter dated 30.07.2008 and they have sought the following reliefs:

“8.a) To allow this Application.

8.b) This Hon'ble Tribunal be pleased to quash and set aside the impugned orders bearing No.B/00391/RR/EME/Civ-2 dated 30th July 2008 and 20821/MACP/Est(Ind) dated 24th October 2013 issued to all the applicants.

8.c) The Hon'ble Tribunal may be pleased to direct the respondents to grant the pay scale of Rs.4000-6000/- (pre-revised) at par with erstwhile tool maker and grant grade pay Rs.2400/- from 18.02.2006 i.e. the date from which five trades were merged into re-designated trade as

Machinists.

8.d) *This Hon'ble Tribunal be pleased to grant arrears of pay and allowances, grade pay and grant higher pay scale with all consequential benefits with 9% interest on the arrears.*

8.e) *Cost of the application may be awarded in favour of the applicants.*

8.f) *Any other or further order(s) may be granted in the interest of justice."*

3. At the outset, the learned counsel for the applicants submits that though the applicants have made representation dated 25.09.2013 (Annex. A-7), it is a fact that the applicants' case is squarely covered by the judgment of Hon'ble Apex Court in ***K. Jagannathan & Ors. Vs. Girija Vaidyanathan & Anr., (2013) 2 SCC (L&S) 728*** but it could not be brought to the notice of the respondents for their decision in the matter. He further submits that the applicants would be satisfied if the OA is disposed of with liberty to the applicants to file a comprehensive representation, enclosing there a copy of the aforesaid judgment of the Hon'ble Apex Court and a direction to the respondents to consider such representation of the applicants in a time-bound manner. To the

aforesaid submissions of the applicants, the learned counsel for the respondents has no objection.

4. In view of the aforesaid, the OA is disposed of with liberty to the applicants to file a comprehensive representation within three weeks of receipt of copy of this order and in case such representation is received by the respondents from the applicants, the respondents are directed to consider the same and dispose it of by passing a reasoned and speaking order within twelve weeks of receipt of such representation(s) from the applicants.

5. In the aforesaid terms, the OA is disposed of. No order as to costs.

(R.N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

dm.

Jw
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