

Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.1658/2013

Wednesday, this the 7th day of August 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

Azizur Rehman Siddiqui s/o Sh. S R Siddiqui
r/o M-301, Taj Enclave
Geeta Colony, Link Road, Delhi – 110 031

..Applicant

(Mr. Satish Bhatti, Advocate)

Versus

1. Union of India through the Secretary to Govt. of India
Ministry of Urban Affair & Employment
Nirman Bhawan, New Delhi – 110 001

2. Director General of Work
Central Public Works Department
Nirman Bhawan, New Delhi – 110 001

..Respondents

(Mrs. Sumedha Sharma, Advocate)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant joined the service of Central Public Works Department as Junior Engineer in the year 1964 and was promoted as Assistant Engineer (Civil) on 15.04.1992, in the pay scale of ₹6500-10500. It is stated that the Department issued an office order dated 13.05.1998, in view of the recommendations of 5th Central Pay Commission (CPC), to the effect that 50% of the posts of Assistant Engineer (Civil) shall carry the pay scale of ₹7500-12000 and the remaining 50% shall carry the pay scale of ₹6500-10500. He contends that

when the same was not implemented, O.A. No.818/2000 was filed before this Tribunal, it was allowed on 27.09.2000, and W.P. (C) No.4664/2001 filed before the Hon'ble Delhi High Court and SLP No.289/2003 filed in the Hon'ble Supreme Court, were dismissed on 18.04.2002 and 19.09.2003 respectively. It is also mentioned that several O.As. were filed thereafter and relief was also granted.

2. The applicant retired from service on 31.07.2002. His grievance is that though he made a representation in this behalf, the same is not considered. This O.A. is filed for a direction to the respondents to extend the benefit of the order passed by the Chandigarh Bench of this Tribunal in O.A. No.299/CH/2007 dated 05.12.2008 and subsequent orders.

3. The respondents filed counter affidavit opposing the O.A. It is stated that though the benefit of a higher scale of pay to 50% of the Assistant Engineers was provided, through an order dated 13.05.1998, it was withdrawn on 21.07.2003, on the demand made by the Assistant Engineers themselves. It is stated that once the benefit is withdrawn, the question of granting the same to the applicant, does not arise.

4. We heard Mr. Satish Bhatti, learned counsel for applicant and Mrs. Sumedha Sharma, learned counsel for respondents, at length.

5. It is not in dispute that the respondents passed an order dated 13.05.1998 providing for higher scale of pay for the 50% of the posts of Assistant Engineer (Civil). When the benefit thereunder was not extended, some Assistant Engineers filed an O.A. and relief was granted therein. Just before the SLP was taken up by the Hon'ble Supreme Court, the respondents have withdrawn the benefit, through an order dated 21.07.2003. It is stated to be on the demand of Association of Assistant Engineers.

6. It is true that in several O.As. filed after the dismissal of SLP, the relief was granted in the form of a direction to pass a reasoned order. It does not appear that the impact of the order dated 21.07.2003 was not taken into account, by the Tribunal. Since the respondents are yet to take specific stand in this behalf, we do not intend to express any view at this stage.

7. We, therefore, dispose of the O.A. directing the respondents to pass a reasoned order on the representation made by the applicant, within a period of two months from the date of receipt of a copy of this order. There shall no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

August 7, 2019
/sunil/