

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.650/2003

Tuesday, this the 25th day of March, 2003

Hon'ble Mrs. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Mr. Govindan S. Tampi, Member (A)

1. Mukesh Chand s/o Shri Laxmi Chand
 2. Satya Pal s/o Shri Chatter Singh
 3. Karam Singh s/o Sh. Diwan Singh
 4. Vijay Singh s/o Shri Harpal Singh
 5. Partap Singh s/o Shri Dalip Singh
- (All the applicants are working as skilled workers in MES under respondent No.2 and their working place and particulars are stated in Annex.A)
..Applicants
- (By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through the Secretary
Ministry of Defence, South Block
Govt. of India, New Delhi
 2. The Engineer-in-Chief (Delhi Zone)
Army Head Quarters, E-in-C Branch
Kashmir House, Ministry of Defence
Delhi
 3. The Garrison Engineer
R & D (I) Lucknow Road
Timarpur, Delhi-54
- ..Respondents

O R D E R (ORAL)

Hon'ble Mrs. Lakshmi Swaminathan, VC (J):-

Heard Shri Yogesh Sharma, learned counsel for applicants.

2. The applicants, five in number, are aggrieved by the inaction of the respondents in not considering their cases for refixation of pay in the pay scale of Rs.950-1500/- as per the initial date of their appointment. They submit that they claim these benefits on the basis of the judgments of the Tribunal in OA-1657/2000 decided on 27.3.2001 and in OA-3133/2001

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decided on 19.11.2001. With regard to implementation of the judgment/order of the Tribunal (PB) in OA-3133/2001, the learned counsel for applicants has drawn our attention to the letter issued by respondent No.1 dated 6.3.2002 (Annexure A-2). Learned counsel has submitted that the applicants in the present case are similarly situated, i.e., they are skilled workers, and, therefore, are entitled for refixation of their pay in the scale of Rs.950-1500/- with effect from the date of their initial appointment, with arrears as given to the other similarly situated applicants for whom the decision had been given in their favour by order of the Tribunal dated 19.11.2001. In this regard, he has drawn our attention to the letter issued by respondent No.2 in which a reference has been made to an application submitted by one of the applicants, i.e. applicant No.1 for necessary action. Learned counsel has submitted that the applicants have not been intimated what action, if any, has been taken with regard to their representation for extension of similar reliefs, as granted to the applicants in the other two applications, referred to above. Hence this OA.

3. We find from the facts and submissions made by the learned counsel for applicants that, it appears, the question in issue in the present application is under consideration by the respondents. We note that the decision to implement the Tribunal's order dated 19.11.2001 in OA-3133/2001 filed by Shri Mahesh Chander & Others had been taken by respondent No.1, i.e., Ministry of Defence. It also appears from Annexure A-1 letter

13

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dated 23.8.2002 that with regard to the claim of the applicants for grant of pay scale of Rs.950-1500/- with effect from the date of their initial appointment, the matter is under consideration and the relevant file appears to be shuttling between respondent Nos. 2 and 3. We have been informed that the respondents have yet to take a decision as apparently they have not informed the applicants the decision, if any, taken by them till date. If this is correct, then we consider that it would be appropriate to dispose of this OA with the following directions:-

- (i) In case the respondents and in particular, respondent No.1 have taken an appropriate decision in the aforesaid matter, i.e., the claim of the applicants for grant of pay scale of Rs.950-1500/- with effect from the date of their initial appointment with arrears as granted to similarly situated persons, that decision shall be conveyed to the applicants forthwith and in any event within a period of two weeks from the date of receipt of a copy of this order.
- (ii) If the above decision has not been taken so far, respondent No.1 shall take an appropriate decision in the matter keeping in view the other decisions in similar cases and pass a reasoned and speaking order within one month from the date of receipt of a copy of this order, with intimation to the applicant.

(Govindan S. Tampi)
Member (A)

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(Mrs. Lakshmi Swaminathan)
Vice Chairman (J)