

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
OA No. 4015/2014
MA No. 3496/2014**

New Delhi, this the 27th day of November, 2019

Hon'ble Sh. R. N. Singh, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)

1. Syed Rais Ahmad, Aged about 53 years,
S/o Sh. S. A. Sattar
Serving as Junior Engineer'
R/o Qtr. No. 86, Type – III,
NH-4, NIT, Faridabad
(Haryana) – 121001
2. Shaukat Ali Azad, aged about 50 years,
S/o Late Sheikh Rahmatullah
Serving as Assistant Director- II
R/o House No. 7, 1st Floor, Joga Bai Village,
Jamai Nagar, New Delhi – 110025
3. Manak Chandra, aged about 55 years,
S/o Sh. Mohan Lal
Serving as Assistant Director- II
R/o House No. 213, Sector - 5,
R. K. Puram, New Delhi
4. Dev Kumar, aged about 52 years,
S/o Sh. Harchand
Serving as Assistant Director- II
R/o H. No. 824, Sector-55,
Faridabad (Haryana)
5. Harish Chandra , aged about 51 years,
S/o Chandra Lal
Serving as Assistant Director- II
R/o G-454, Sarojini Nagar,
New Delhi – 110023
6. Sh. U. S. Verma, aged about 53 years,
S/o Sh. Bhanwar Lal Verma
Serving as Junior Engineer,
R/o HCWC Lower Yamuna Division,
Qtr. 404-409, Sector -12C, Awas Vikas Colony, Agra
7. Ram Vinod Saraswat, aged about 50 years,

S/o Sh. Radhey Shyam
Serving as Assistant Director- II
R/o 18- E, Central Govt. Housing Complex,
Vasant Vihar, New Delhi

8. Baljinder Singh, aged about 55 years,
S/o Sh. Harnam Singh
Serving as Junior Engineer
R/o C-208, Nanakpura, South Motibagh,
New Delhi – 110021
9. Mool Chand, aged about 52 years,
S/o Late Sh. Lachhman Das
Serving as Assistant Director
R/o Qtr. No. 32, Type-IV, Sector-3,
Sadiq Nagar, New Delhi – 110049
10. Ram Kishore, aged about 55 years,
S/o Sh. Dwarika Prasad
Serving as Assistant Director
R/o C-1/167, Madhu Vihar (Dwarka)
New Delhi – 110059
11. Prem Kishore Rawat, aged about 52 years,
S/o Sh. Pan Singh Rawat
Serving as Assistant Director
R/o B-590, Kendriya Vihar, Sector-51,
Noida, U.P. 201301
12. Arup Kumar Biswas, aged about 57 years,
S/o Late Ajit Kumar Biswas
Serving as Assistant Director- II
R/o F-18, Nourroji Nagar,
New Delhi – 110023
13. Kanta Ram, aged about 53 years,
S/o Mahagoo Ram
Serving as Assistant Director- II
R/o Block No. 3, Room No. J,
CPWD Colony, Vasant Vihar,
New Delhi – 110057
14. Manohar Lal Gour, aged about 52 years,
S/o Sh. H. L. Gour
Serving as Assistant Director
R/o N-548, Sector- 9,
R. K. Puram, New Delhi – 110066

15. Vijay Kumar Singhal, aged about 56 years,
S/o Om Prakash Singhal
Serving as AD- II
R/o DG-833, Sarojini Nagar,
New Delhi – 110023
16. Desh Raj, aged about 54 years,
S/o Bharti Mahawal
Serving as Junior Engineer
R/o Gali No. 10, Adarsh Colony- Palwal, Distt. Palwal , Distt, Palwal –
121102 (Haryana)
17. S. S. Nath, aged about 53 years,
S/o Late Sh. S. C. Nath
Serving as Junior Engineer
R/o 141, Type-II, NH-IV, NIT,
Faridabad (Haryana)– 121001
18. S. C. Sachdeva, aged about 52 years,
S/o Late Sh. M. L. Sachdeva
Serving as Junior Engineer
R/o 3E-2BP, NIT, Faridabad (Haryana)– 121001
19. S. N. Joshi, aged about 54 years,
S/o Sh. Chintamani Joshi
Serving as SDE
R/o 2J/371, NIT, Faridabad
20. Yakub Ahmed, aged about 53 years,
S/o Late Lal Mohammad
Serving as Junior Engineer
R/o Kendriya Sadan, 6th Floor,
Sector-9A, Chandigarh
21. S. K. Rajoria, aged about 52 years,
S/o Phool Chandra Rajoria,
Serving as Junior Engineer
R/o Kendriya Sadan, 6th Floor,
Sector-9A, Chandigarh
22. Harish Chandra Mishra, aged about 54 years,
S/o Late Sh. Ram Yagya Mishra,
Serving as SDE
R/o Plot No. 277, Side chinchat Gas Agency,
Satrikh Road, Chinchat, Lucknow, U.P.
23. Vinod Kumar Sharma, aged about 54 years,
S/o Sh. Raghunath Prasad Sharma,
Serving as Junior Engineer
R/o Shiva Colony, Dhanipur, Aligarh, U.P

24. Durgendra Singh, aged about 54 years,
S/o Late Sh. Somveer Singh,
Serving as Junior Engineer,
R/o H. No. 9B, Block-E, Himgiri Colony,
Kant Road, Moradabad, UP. ...Applicants

(By Advocate: Ms Priyanka for Mr M K Bhardwaj)

VERSUS

1. The Secretary,
Government of India,
Ministry of Water Resources,
New Delhi
2. The Chairman
Central Water Commission
Sewa Bhawan
R. K. Puram, New Delhi
3. The Secretary
Government of India
Ministry of Personal, Public Grievances and Pensioners
Department of Public & Training,
Shastri Bhavan, New Delhi. Respondents

(By Advocate: Mr Rajeev Kumar)

ORDER (O R A L)

Hon'ble Mr. R.N. Singh, Member (J)

MA No. 3496/2014

By way of the present MA No. 3496/2014, the applicant has sought permission to file the aforesaid OA jointly. For the reasons given in the MA and keeping in view no objection from Mr Rajeev Kumar, learned counsel for the respondents, MA is allowed.

OA No. 4015/2014

The applicants, 24 in number, have filed the present OA praying for following relief:-

- (a) To declare the action of the respondents in not granting the scale of Rs. 15,600-39,100 (PB-3) with Grade Pay of Rs. 5400/- & 6600 as given to similarly placed persons to the applicants as illegal and arbitrary.*
- (b) To direct the respondents to grant scale of Rs. 15600-39100 with Grade Pay of Rs. 5400 & 6600 in PB-3 attached to the promotional posts, as 2nd & 3rd financial up gradation to the applicants under MACP from due date with all arrears of pay.*
- (c) To allow the OA with costs.*
- (d) Pass such other direction or directions order or orders as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice."*

2. Learned counsel for the applicants submits that the applicants are entitled for grant of scale of Rs. 15,600-39,100/- (PB-3) with GP Rs. 5400 & 6600 as given to similarly placed persons as second and third financial up gradations under the MACP scheme from due date with all arrears of pay. However, such benefit was not accorded to the applicants. Various applicants have made representations and one of such representation is dated 25.10.2013 by one of the applicants, Des Raj.

3. Learned counsel for the applicants submits that the claim of the applicants is squarely covered by a catena of judgments of this Tribunal as well as a few judgments of the Hon'ble High Court of Delhi as referred to in the representation of the said Mr Des Raj. Learned counsel for the applicants further submits that this Bench of the Tribunal has allowed the OA No. 904/2012 vide order judgment dated 26.11.2012 in case titled Sanjay Kumar & others Vs UOI & others and the same has

also been referred to while making the claim in the representation of the said Mr Des Raj. However, it is an admitted fact that the judgment of this Tribunal in Sanjay Kumar (Supra) is subject matter of adjudication before the Hon'ble Apex Court and such issue is also pending before Hon'ble Apex Court in SLP No. 8271/2014 in the matter of UOI Vs Shri M V Mohanan Nair.

4. With the consent of the parties, the aforesaid OA is disposed of with order that the parties to the present OA shall be bound by the judgment of the Hon'ble Apex Court in SLP No. 8271/2014 in the matter of UOI Vs Shri M V Mohanan Nair.

5. The OA is disposed of in the aforesaid terms. No order as to costs.

(Aradhana Johri)
Member(A)

(R. N. Singh)
Member(J)

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