

(2012) 01 DEL CK 0249

In the Delhi High Court

Case No : Writ Petition (C) No. 3553 of 2010

Ved Prakash Gupta

APPELLANT

Vs

UOI and Others

RESPONDENT

Date of Decision : 03-01-2012

Acts Referred:

Citation : (2012) 01 DEL CK 0249

Hon'ble Judges : V.K. Jain, J;Badar Durrez Ahmed, J

Bench : Division Bench

Advocate : Arun Bhardwaj with Mr. Nitish Sharma, for the Appellant; Baldev Malik with Mr. Arjun Malik for R-1 to 3, for the Respondent

Judgement

Badar Durrez Ahmed

1. This writ petition is directed against the order dated 22.09.2009 in R.A. No. 173/2009 and order dated 13.05.2009 in O.A. No. 593/2007 passed by the Central Administrative Tribunal, Principal Bench, New Delhi, (hereinafter referred to as "the said Tribunal").

2. We have heard this matter at some length and we find that the main point urged before us is that the petitioner ought to have been given the scale of Rs. 2000- 3500 with effect from 01.01.1986 pursuant to the revision by the 4th Pay Commission. It has been contended before us that the petitioner was working as a Junior Engineer with the Beas Construction Board (B.C.B). Subsequently, the petitioner as also many others were declared as surplus employees. The petitioner was, thereafter, redeployed in the C.P.W.D. with effect from 15.04.1985. It has also been argued that the petitioner, while he served with B.C.B. was drawing a salary in the pay scale of Rs. 700-1200. The Junior Engineers in C.P.W.D. at that point of time were drawing salary in the scale of Rs. 425-700. The plea of the petitioner is that since the petitioner had opted for the scale of B.C.B. as per the direction given by the Central Administrative Tribunal in O.A. No. 3009/2004, he was rightly placed in the scale of Rs. 700-1200 till

31.12.1985. However, he was wrongly placed in the pay scale of Rs. 1400-2300 with effect from 01.01.1986. According to the learned counsel for the petitioner the main plea of the petitioner is that the base scale of Rs. 700-1200 ought to have been considered in respect of the period with effect from 01.01.1986. Had that been the case, the petitioner would have been placed in the revised pay scale of Rs. 2000-3500. The petitioner, however, had been placed in the scale of Rs. 1400-2300 which was the revised scale of Rs. 425-700.

3. We find that this plea has been taken by the petitioner in the O.A. specifically at several points and particularly at paragraph 4.15 as well as in paragraph 5.17 of the said O.A. However, on going through the impugned judgment, we find that this aspect of the matter has not been adequately addressed by the Tribunal and no specific finding has been returned on this plea. It would, therefore, be appropriate if the matter is remanded to the Tribunal for a consideration of the issues raised by the petitioner afresh and particularly on the aspect pointed out by us above.

4. Consequently, we set aside the impugned orders and remand the matter to the Tribunal for a consideration of the O.A. afresh. Both sides shall be at liberty to raise all contentions. We also feel that since the petitioner is a senior citizen and has retired a long time back in the year 2004, it would be appropriate if the Tribunal disposes of the O.A. within three months. It is understood clearly that neither party shall take adjournment before the Tribunal. In the first instance, the parties shall appear before the Tribunal on 18.01.2012.

5. The writ petition stands disposed of.