

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 1164/99

New Delhi this the 8th day of May 2000

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER (J)
HON'BLE MR. V.K. MAJOTRA, MEMBER (A)

Shri M.S. Yadav,
Sr. Telecom Operating Assistant
S/o Late Shri Kalu Ram
R/o M/s. Makkar Tent House,
Pataudi, Distt. Gurgaon, Haryana

...Applicant
(By Advocate: None)

Versus

1. Union of India
through Secretary, Ministry of
Telecommunications, Department of
Telecommunications, New Delhi.
2. Chief General Manager,
Telecom Project (NZ)
Kidwai Bhavan, New Delhi.
3. Director Telecom Project (Sat)
Department of Telecommunications
E-2, 1st Floor, ARA Centre,
Jhandewalan Extn, New Delhi-110 055.

...Respondents
(By Advocate: None)

ORDER (Oral)

Smt. Lakshmi Swaminathan, Member (J)

In the present OA, the applicant has impugned the earlier order passed by Respondent No.1 dated 17.8.95 fixing his pay wrongly despite being senior, to some other persons. He has submitted that his pay fixation was in violation of FR 22 and FR 27. Earlier, the applicant has stated that he was working in the Armed forces from where he had been discharged from the services on medical grounds. He had been selected by the respondents and according to him there is an anomaly in his pay fixation. He has also made a representation on 5.11.97 calling upon the respondents to explain as to how his juniors are getting a higher pay than him. The applicant is in the cadre of Sr. Telecom Operating Assistant (Sr. TOA).

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(2)

2. Short reply on behalf of Respondent No.1 is on record which has been filed as far back as 18.11.99. Rejoinder has not been filed by the applicant although time has been granted. (9)

3. In the reply filed by Respondent No.1, they have stated that the application has become infructuous as the applicant has been granted the relief prayed for in the present O.A. They have stated that the date of officiation in the promoted post as Sr. TOA of the applicant has been revised w.e.f. 1.1.1994 instead of 16.5.95 vide their letter dated 26.3.1999 (Annexure R-1). They have also submitted that the applicant has already been relieved from the office of Respondent No.3 w.e.f. 1.1.1999 and sent to MTNL together with his service records. As such, his pay fixation w.e.f. 1.1.1994 will also be done by MTNL.

4. Having regard to the facts and circumstances of the case and the reply filed by the respondents on 8.11.97 in which reference has been made to two orders issued by them dated 9.7.99 and 24.3.99, the grievance of the applicant regarding wrong fixation of pay appears to have been set right. It is perhaps for this reason that the applicant has not filed any rejoinder thereafter and none has also been appearing on his behalf subsequently.

5. In view of the above facts, the OA is disposed of as having become infructuous. No order as to costs.

V.K. Majotra
(V.K. MAJOTRA)

MEMBER (A)

Lakshmi Swaminathan

(SMT. LAKSHMI SWAMINATHAN)
MEMBER (J)

cc.