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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

OA NO. 2575/1999

New Delhi, this the 3rd day of Aug, 2000

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VC (J)  
HON'BLE MR. GOVINDAN S. TAMPI, M (A)

Sh. Govind Singh, aged about 57  
years, S/O Sh. Ucchab Singh,  
Qr.No.331/4, E.B.S., Babu Garh,  
Distt. Ghaziabad - 245 201.

.....Applicant.

(By Advocate: Sh. Surinder Singh)

VERSUS

1. Union of India, through the  
Defence Secretary, Ministry  
of Defence, D.H.Q. Post  
Office, New Delhi-1.
2. The Controlling General of  
Defence Account West Block  
No.5, R.K.Puram, New  
Delhi-22.
3. The Commandant, Equina  
Breeding Stud, Babu Garh,  
Distt. Ghaziabad-245 201
4. The C.D.A. (Army), Meerut  
Cantt.

.....Respondents.

(By Advocate: None)

O R D E R (ORAL)

By Sh. V. Rajagopala Reddy, VC(J)

Heard the counsel for the applicant. In spite  
of several opportunities no reply has been filed by  
the respondents till today. None appears on behalf of  
the respondents either in person or through counsel.

2. The case pertains to the pay fixation of  
the applicant who has been re-employed in the  
Ministry of Defence as Tractor Driver in EBS Babugarh.

CRA

3. Initially the applicant was working as Tractor Driver in the Army and after his discharge from Army in 1982 he was re-employed in the same department as Tractor Driver in the scale of Rs.260-400 w.e.f. 3.12.1982. His pre-retirement pay was Rs.283/- (basic pay was Rs.265/-). In the proceedings dated 5.1.1988 his pay was refixed at Rs.278/- p.m. w.e.f. 25.1.1983 exempting the entire pension the applicant was drawing at that time from the given pay scale. His pay was purported to have been fixed vide OM dated 8.2.83. In the impugned order, it was found that the pay was not properly fixed even in accordance with the OM dated 8.2.83. According to the above OM the entire pension which he was drawing should have been exempted from the basic pay if total pay should exceed the pay he was drawing prior to his retirement. This order is under challenge in this OA.

5. In the circumstances we do not find any infirmity in the impugned order. The OA fails and is, accordingly, dismissed. No costs.

( GOVINDAN S. TAMPI )  
Member (A)

( V. RAJAGOPALA REDDY )  
Vice Chairman (J)