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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No.1263 of 1997

New Delhi, this the 6th day of November, 1997

Hon'ble Dr. Jose P. Verghese, Vice Chairman(J)
Hon'ble Mr. N. Sahu, Member(Admnv)

1. Shri M.S. Narula, Asstt.Tech.Officer(Retd)
Aviation Research Centre, Directorate
General of Security, Cabinet Secretariat,
R/o 13/354 DDA Flats Madangir,
New Delhi - 110 062.
2. Shri M.S. Solanki, Assistant Technical
Officer (Retd), Aviation Research Centre,
Directorate General of Security, Cabinet
Secretariat, R/o 601, Sector-IV, R.K. Puram
New Delhi-110 022.
3. Shri Jeet Narain Mishra, A.T.O. (Retd),
Aviation Research Centre, Directorate
General of Security, Cabinet Secretariat,
R/o 448, Laxmibai Nagar, New Delhi - APPLICANTS
(Applicant no.2 in person)

Versus

1. The Principal Director, Directorate General
of Security, Cabinet Secretariat, Govt.of
India, East Block -V, R.K. Puram,
New Delhi - 110 066.
2. The Director, Aviation Research Centre,
Directorate General of Security, Cabinet
Secretariat, Govt.of India, East Block-V,
R.K. Puram, New Delhi -110 066.
3. Director of Accounts, Office of the Director
of Accounts, Cabinet Secretariat, East
Block- IX, Level-VII, R.K. Puram, New Delhi.
4. The Deputy Director(L) Aviation Research
Centre, Directorate General of Security,
Cabinet Secretariat, Govt.of India, East
Block -V, R.K. Puram, New Delhi-110 066.
5. Deputy Director of Accounts, Cabinet
Secretariat, Office of Director of
Accounts, East Block No.IX, R.K. Puram,
New Delhi.

-RESPONDENTS

(By Advocate Shri R.P. Aggarwal)

ORDER (Oral)

By Dr. Jose P. Verghese, VC(J).-

The applicants in this case are seeking quashing of orders at Annexure-A series and direct the respondents to refund the amount recovered from the applicants on account of refixation of pay with interest on the basis of the said orders.

2. We have heard the parties and also perused the orders of this Court at Chandigarh passed on 22.8.1995 in O.A.360/HP/94, **Gian Chand Vs. Union of India and others**, as well as decisions of this Court dated 8.5.1995 in O.A.No.1942/94 **K.R.Dogra Vs. Union of India and others**; as well as that of 31.1.1997 in O.A.1182 of 1996, **K.D.Mitha Vs. The Principal Director, Directorate General of Security etc. & ors.** It is stated that these decisions have been given on the basis of a decision of the Hon'ble Supreme Court in the case of **Union of India Vs. G.Vasudevan Pillai & others**, (1995)2 SCC 32 wherein it has been held that reduction of pay equivalent to enhanced pension of those ex-servicemen who were holding civil posts on 1.1.1986 following their re-employment was legally impermissible. In view of the above decisions, we are also inclined to grant the same reliefs to the applicants as have been given by the last case passed by this Court cited above. The following directions are issued -

(i) Restore and refix the applicants' pay ignoring in full the pension paid to them;

(7)

(ii) Refund to them any recoveries already made; and

(iii) Recalculate and disburse the pensionary benefits on the re-fixed pay and allowances to the applicants.

The respondents are also directed to comply with these directions within three months from the date of receipt of a copy of this order and in case no implementation is coming within the said stipulated period, the respondents shall pay an interest of 12% per annum thereafter i.e. after the expiry of the said period of three months. The O.A. is accordingly allowed. No costs.

N. Sahu
(N. Sahu)
Member (Admnv)

Dr. Jose P. Verghese
(Dr. Jose P. Verghese)
Vice Chairman (J)

rkv.