

Central Administrative Tribunal, Principal Bench

O.A. No. 1869 of 1994

New Delhi this the 30th day of July, 1999

Hon'ble Mr. Justice D.N. Baruah, Vice Chairman  
Hon'ble Mr. N. Sahu, Administrative Member

Shri S.L. Rohilla  
S/o Shri Nathu Ram  
R/o Village & P.O. Faruk Nagar,  
Tehsil Gurgaon,  
Haryana.

...Applicant

By Advocate; None.

Versus

1. Union of India  
M/o Communication,  
Department of Tele Communication,  
Sanchar Bhavan,  
New Delhi-110 001.
2. Chief General Manager,  
Mahanagar Telephone Nigam Ltd.,  
Khurshid Lal Bhavan,  
New Delhi-110 001.
3. S.D.O. Phones  
Delhi Cant. Sub-Division,  
Delhi Cant.  
New Delhi-110 010. ...Respondents

Mrs. Gitanjali Goyal, proxy counsel for Shri V.K. Rao,  
Counsel for the respondents.

ORDER (ORAL)

Hon'ble Mr. N. Sahu, Member (A)

The applicant prays in this case for quashing the orders dated 11.3.1991, 11.5.1992 and 5.9.1992 and declare the fixation of the applicant's pay vis-a-vis respondent No.2 in a just and legal manner.

2. The brief facts leading to this dispute are that the applicant was reemployed on 9.5.84 and exercised his option on 11.1.1988 in terms of O.M. dated 8.2.83. He realized that this option was incorrect. He refers to the options circulated on 19.6.84 under the provisions of

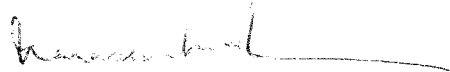
Ministry of Defence OM dated 8.2.1983. He requests that fixation of pay on reemployment at a higher stage in the pay scale of Rs. 196-232 in terms of OM dated 8.2.83 be fixed on a sympathetic consideration. Our attention was drawn to MA 863 of 1995 filed by the respondents wherein it was stated that the matter in dispute was already decided by the Full Bench of this Tribunal <sup>against</sup> in which Union of India preferred an SLP in the Hon'ble Supreme Court. There was also a petition for stay of the Full Bench Order dated 8.7.92. We are informed that the Hon'ble Supreme Court has disposed of this decision in the case of Director General of Posts and Others VS. B. Ravindran & Another reported in JT 1996 (10) SC 228. The counsel for the respondents placed a copy of the order of the Hon'ble Supreme Court before us for our perusal.

3. The learned counsel submitted that the respondents would be willing to consider the applicant's case in accordance with the decision of the Supreme Court in the above cited reference. The Hon'ble Supreme Court in the above cited decision held that the 1985 classification was inconsistent with the Civil Service Regulations and, therefore, the 1978 and 1983 instructions were held to be invalid and without authority of law. The point was whether an ex-serviceman who after his retirement is reemployed in civil service is entitled to an advance increment only if his pay plus pension equivalent of gratuity is less than the last pay drawn at the time of retirement. The Supreme Court dismissed the appeals and in effect confirmed the Full Bench

Order in this case. In view of this, we direct the respondents to dispose of the applicant's claim in accordance with the orders of the Full Bench which were affirmed by the Supreme Court in the above cited order within a period of 2 months from the date of receipt of a copy of this order.

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4. The O.A. is disposed of as above. No costs.



(N. Sahu)  
Member (A)



(D.N. Baruah)  
Vice Chairman

rakesh