

U/b

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI**

ORIGINAL APPLICATION No.210/00155/2014

Dated this Thursday, the 05th day of March, 2020

**CORAM: DR. BHAGWAN SAHAI, MEMBER (A)
R.N. SINGH, MEMBER (J)**

Ashok Ram Chander Nahar, Aged 65 years, Retired Book Binder,
R/o Khetaji Niwas, Aba Saheb Pawar Nagar, Gali No.2,
Old Sangvi, Pune 411 027.

- Applicant

(By Advocate Ms. Priyanka Mehndiratta)

Versus

1. The Union of India through the Secretary to Govt. of India,
Ministry of Personnel, Public Grievances & Pensions,
3rd Floor, Lok Nayak Bhawan, Khan Market,
New Delhi 110 003.

2. The Commanding Officer, 55, Printing Press,
College of Military Engineering, Pune 411 031. - Respondents
(By Advocate Shri R.R.Shetty)

ORAL ORDER
Per : R.N.Singh, Member (Judicial)

The applicant who took retirement voluntarily with effect from 26.04.1994 in the pay scale of Rs.950-1500/- has filed the present OA under Section 19 of the Administrative Tribunals Act, 1985 to challenge the alleged action of the respondents in not correctly fixing his pay by giving the benefits of all Pay Commissions and on account of which he is allegedly getting lesser pension. In the aforesaid background, the applicant has prayed for the following reliefs:

“8(a). This Hon'ble Tribunal may graciously be pleased to call for the records of the case from the Respondents

and after examining the same may direct the Respondents to refix the pay/pension of the Applicant at par with the pay/pension granted to other Book Binders as per Vth and Vith pay Commission (Pay Band 4440-7440) along with interest.

8(b). The Hon'ble Tribunal may further be pleased to direct the Respondents to pay him arrears of salary and pension.

8(c). Any other and further order as this Hon'ble Tribunal deems fit in the nature and circumstances of the case be passed.

8.c). Cost of the Application be provided for."

2. In response to the notice received from this Tribunal, the respondents have filed reply affidavit and it is asserted in the reply affidavit that the applicant was appointed as Book Binder with effect from 26.10.1967 at the National Defence Academy, Khadakwasla in the pay of Rs.75-110/-.

However, he was declared surplus at the National Defence Academy and served with three months notice of termination of appointment in terms of the CCS (Temporary Service) Rules, 1965 (Annex R-1). In pursuance of such notice of termination, he was permanently transferred with effect from 22.02.1974 as Casual Labourer to the 512 Army Based Workshop, Khadki, Pune in public interest vide the SAO 4/S/53 (Annex R-2).

3. It is contended by the learned counsel for the respondents that the pay of the applicant was fixed at Rs.202/- in the then applicable pay scale of 192-232/- and thereafter, he was granted annual increments of Rs.3 on 01.01.1975. The respondents have also given details of further increments and fixation of pay of the applicant.

4. After receipt of rejoinder from the applicant, the respondents have filed an additional affidavit on 26.02.2020 and in the said additional affidavit, it is stated by the respondents that at the time of voluntary retirement of the applicant, he was in the pay scale of Rs.950-1500/- and his Basic Pay was Rs.1150/-. His last pay scale and Basic Pay as noted above was considered by the PCDA, (Allahabad) for deciding his pension at the time of his retirement. Consequent to the antedating of promotion granted to the applicant later in the year 1996 with effect from 16.10.1981, the applicant's pay was revised in the pay scale of Rs.260-400/- from the old pay scale of Rs.210-290/- in the period 16.10.1981 to 14.10.1985.

5. The respondents have also explained the revision of pay from time to time as well as revision pension of the applicant from time to time in detail.

6. We have considered the pleadings available on record and submissions made by the learned counsels for the parties. From the very first paragraph of the OA, it is evident that the applicant has alleged that he is filing the present OA for incorrect fixation of his Basic Pay and Pension, similarly in the prayer, the applicant has prayed for direction to the respondents to refix his pay/pension at par with pay/pension granted to other Book Binders as per V and VI Central Pay Commissions. Needless to note that the applicant has not made any specific averment as to how he will become entitled for the similar pay/pension as to that of other Book Binders particularly in view of the fact that the applicant was declared surplus from a particular date as noted herein above and he was transferred to other establishment and his pay was fixed by the respondents from time to time in accordance with the relevant rules and instructions which the respondents have very categorically

stated in their reply affidavit and in additional affidavit.

7. No ground to strengthen the claim on behalf of the applicant has been urged.

8. In view of the aforesaid terms, we do not find any merit in the OA. Accordingly, the OA is dismissed.

9. However, in the facts and circumstances, no order as to costs.

(R.N. Singh)
Member (Judicial)

(Dr. Bhagwan Sahai)
Member (Administrative)

kmg*

SD
29/03/2020

