

(13)

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 2754 of 1991

New Delhi, dated the 4th October, 1996

HON'BLE MR. S.R. ADIGE, MEMBER (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri K.D.Sharma,
Ex-Sr. Auditor
O/o the Controller of Defence Accounts
Western Command,
R/o A/E-7, Tagore Garden,
New Delhi-110027. APPLICANT

(By Advocate: Shri Sant Singh)

VERSUS

1. Union of India
through the Secretary (Def/Fin)
and Financial Adviser,
Ministry of Defence,
South Block,
New Delhi-110011.
2. Controller of Defence Accounts,
Western Command,
Chandigarh. RESPONDENTS

(By Advocate: Shri P.H.Ramchandani)

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

We have heard applicant's counsel
Shri Sant Singh and the respondents'
counsel Shri P.H. Ramchandani.

2. Both counsel agree that the date
"1.4.1987" featuring in the applicant's
^{letter 1} option dated 2.1.1989, was a bona-fide error,

(X)

because the applicant's actual date of increment in any case is not 1st of April each year but is 1st of January each year. Furthermore even if he had omitted to mention the date "1.4.87" in his option letter dated 2.1.89 his prayer for refixing his pay under FR-22C from the date of his actual increment could not have been rejected. We also note that the applicant by his subsequent letter dated 20.3.89 took steps to correct the error that had been committed by him earlier and made it clear that what he had already meant was that his date of option for fixation of pay under FR-22C should be with effect from his actual date of next increment i.e. 1.1.88. He should therefore not be penalised for a bona-fide error.

3. Under the circumstances this O.A. succeeds and is allowed to this extent that

(i) the applicant's pay under FR-22C should be refixed w.e.f. 1.1.88 with consequential benefits including revision of pay;

(ii) arrears in this regard should be calculated and paid to him; and

(iii) these directions should be implemented within three months of the date of receipt of a copy of this judgment.

4. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

S.R. Adige
(S.R. Adige)
Member (A)

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