

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

OA NO.1236/2004
MA NO.314/2005
With
OA NO.1237/2004

(20)

New Delhi, this the 16th day of August, 2005

HON'BLE MR. KULDIP SINGH, VICE CHAIRMAN (J)

OA No.1236/2004 :

Smt. Krishna Sadana,
W/o Shri Madan Lal Sadana,
R/o C-3/270, Janakpuri,
New Delhi ... **Applicant**
(By Advocate: Shri O.N.S. Gaba)

Versus

1. Union of India,
Through: Department of Expenditure,
Ministry of Finance,
New Delhi – 110 001
2. Government of N.C.T. Delhi,
Through: Chief Secretary, Delhi,
5, Sham Nath Road, Delhi
3. Director of Education,
N.C.T. of Delhi,
Old Sectt., Delhi ... **Respondents**
(By Advocate: Shri George Paracken)

OA No.1237/2004 :

Smt. Chnadra Misra,
W/o Shri T.S. Misra,
R/o C-2D-65B, Janak Puri,
New Delhi ... **Applicant**
(By Advocate : Shri O.N.S. Gaba)

Versus

1. Union of India,
Through: Department of Expenditure,
Ministry of Finance,
New Delhi – 110 001
2. Government of N.C.T., Delhi,
Through Chief Secretary, Delhi,
5, Sham Nath Road, Delhi

[Signature]

2)

3. Directorate of Education,
Government of NCT, Delhi,
Old Secretariat, Delhi ... Respondents
(By Advocate : Shri George Paracken)

O R D E R (Oral)

Both the above two OAs are disposed of by this common order as both of them involve the same issue of facts as well as law.

2. The applicants have filed these OAs under Section 19 of the Administrative Tribunals Act, 1985 impugning the order dated 06.11.2003 issued by the Principal, Sarvodaya Kanya Vidyalaya, D-Block, Janak Puri whereby applicant Smt. Krishna Sadana was informed that her representation dated 17.4.2003 on the question of restoration of stagnation increment has been turned down. Similarly, in the second OA, the applicant, Smt. Chandra Misra was informed vide order dated 18.12.2003 by the Superintendent, Sarvodaya Kanya Vidyalaya, D-Block, Janak Puri regarding rejection of her representation dated 17.4.2003 with regard to restoration of stagnation increment.

3. Applicant Smt. Krishna Sadana was given first stagnation increment on 24.10.1991 and her pay was fixed at Rs.2975/- At the time of superannuation, the applicant's basic pay was Rs.11,500/-. The applicant submits that vide order dated 19.10.2000 her pay has been reduced without any notice and her pay has been refixed at Rs.11,250/- instead of Rs.11,500/- as on 1.1.2001. It is contended that this is as a result of wrong fixation of pay and the same is liable to be quashed.

4. Similarly, the applicant Smt. Chandra Misra in OA No.1237/2004 stated that at the time of her superannuation, she was drawing Rs.11,750/- has it has been reduced to Rs.11,250/- as on 1.10.2001. It is alleged that this has been done wrongly, arbitrarily and without any notice.



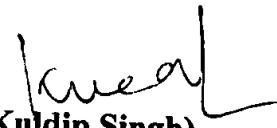
5. The Respondents who contested the OA submitted that it is not a case of wrong fixation of pay, but rather it is a case of correction of error and they have given the details in their reply as to how their pay has been fixed at Rs.11,250/-.

6. A short question arises is whether the pay has been wrongly reduced or it is a case of mere rectification of a clerical error. The learned counsel appearing on behalf of the applicant was unable to convince the Court that in fact, the applicants were entitled to higher fixation of pay and it was not a case of rectification of clerical error. His main contention is that since the pay has been reduced without giving notice, so the same will have to be quashed.

7. On the contrary, Shri George Paracken, learned counsel appearing on behalf of Respondents submitted that it is a case of rectification of clerical error and even if now the applicants are able to convince that they are entitled for fixation of pay at a higher level, then the Department will consider it and fix their pay accordingly. So at this stage, the learned counsel for applicants would like to make a comprehensive reply giving the details as to how the applicants are entitled for fixation of pay at a higher level. In view of the statement made by the learned counsel for the respondents at the Bar that they are open to correct the error if the applicants are able to convince the Respondents that they are entitled to be placed at the level they were drawing earlier. With this, the OA can be disposed of with a direction to the respondents that if any comprehensive representation is made by the applicants within one month of receipt of the order, the respondents will reconsider the same and pass a reasoned and speaking order within a period of two months thereafter. In case the respondents pass any adverse order, the applicants are at liberty to

challenge the same as per law. In view of the above, both the OAs are disposed of.

With the above, MA No.314/2005 also stands disposed of.


(Kuldip Singh)
Vice Chairman (J)

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