

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 17TH DAY OF AUGUST, 2000

Original Application No.704 of 1993

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI, V.C.

HON.MR.S.DAYAL, MEMBER(A)

Vishnu Gopal Shukla, son of
Shri Chatur Bhuj Shukla aged about
59 years, Resident of 610/3 Masilaganj
District Jhansi.

... Applicant

(By Adv: Shri A.R.B.Kher)

Versus

1. Union of India through Chairman
Central Excise and Customs,
New Delhi.
2. Assistant Collector, Central
Excise Division-1, Kanpur.

... Respondents

(By Adv: Shri C.S.Singh)

O R D E R(Oral)

(By Hon.Mr.Justice R.R.K.Trivedi, V.C.)

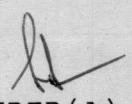
by this application u/s 19 of the A.T.Act 1985 the applicant has prayed for a direction to the respondents to reimburse the amount of Rs.6186/- which was deducted from his salary. He has also requested for the payment of Rs.940/- which was less paid to him during the period 1.10.1991 to.30.4.1992. The grievance of the applicant is that though the salary of the applicant on the objection of the audit party was reduced but persons junior to him were allowed to retain the same salary. Learned counsel for the applicant has placed before us the order dated 1.12.1987 which shows that the applicant and seven others who were promoted as Superintendents in

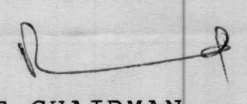
Central Excise and their salary was fixed @ Rs.2300/-.

In paragraph ten of the counter affidavit it has been stated that representation of the applicant with regard to the grievances raised in this OA was examined in the light of the fixation rule and by letter dated 12/14/5/1993 he was required to make a representation for stepping up and for refixation of pay equal to the pay of his juniors. However, the applicant has not made any representation. The learned counsel for the applicant has submitted that this OA was pending ^{and} he was advised not to make any representation as the matter was subjudice.

In our opinion, the applicant ought to have approached the respondents for correction and stepping up of his pay equal to his juniors. Such a dispute could be settled between the parties even during pendency of the application in this Tribunal. There is no bar and it is always open to the parties to settle their dispute mutually.

Considering the facts and circumstances, we dispose of this application finally with the liberty to the applicant to make a representation before the Collector, Central Excise (now Commissioner, Central excise) in terms of his letter dated 12/14/5.1993. If the representation is filed within a month from the date of this order it shall be considered and decided by a reasoned order within three months after hearing the applicant. No order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 17th Aug: 2000

Uv/