

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

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Allahabad : Dated this 24th day of July, 1997

Original Application No.967 of 1993

District : Jhansi

CORAM:-

Hon'ble Mr. S. Das Gupta, A.M.

Jan Mohammad Khan, Son of Abdool Sakoor,
presently posted as Postal Asst.
at Head Post Office, Jhansi.

(By Shri Rakesh Verma, Advocate)

. Petitioner

Versus

1. The Union of India through Secretary
Ministry of Communication, New Delhi.
2. Post Master General, Agra Region,
Agra.
3. Senior Superintendent of Post Offices,
Jhansi.

(By Km. Sadhna Srivastava, Advocate)

. Respondents

ORDER (Oral)

By Hon'ble Mr. S. Das Gupta, A.M.

The applicant in this OA filed under Section 19 of the Administrative Tribunals Act, 1985 is aggrieved by the fact that his earlier fixation of pay after reckoning the services rendered by him in the Army was later cancelled and his pay was revised. He claims that he was working as a Combatant Clerk and, therefore, the services rendered by him should have been taken into consideration for fixation of pay. The respondents have contested the case stating that the applicant was not an Ex-combatant Clerk and ~~and~~, therefore, the services rendered by him in the Army will not be taken into consideration for fixation of pay.

2. I have heard learned counsel for both the ~~counsel~~ ^{parties}

and perused the pleadings on record and also the documents filed by the respective parties.

3. From the documents filed, it is not possible for this Tribunal to come to a definite conclusion whether the applicant was a Combatant Clerk or not. The learned counsel for the respondents submitted that the respondents subsequently came to know that the applicant was not a Combatant Clerk. The source of this knowledge has not been disclosed in the pleadings. I am, therefore, not in a position to ascertain veracity of such claim.

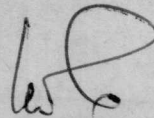
4. In view of the foregoing, I am of the view that the best course open to both the parties is to make a verification about the status of the applicant while serving in the Army from the organisation in which the application was working. I, therefore, dispose of this application with the direction to the respondents to verify the fact from the Officer-In-Charge, Bombay Engineer Group, who had issued the Service Certificate, a photocopy of which is annexed as Annexure-CA-1. If the aforesaid organisation confirms that the applicant was not a Combatant Clerk, this OA before me will stand dismissed. If, however, they confirm that the applicant was a Combatant Clerk, the pay of the applicant shall be fixed in accordance with the existing rules.

5. The applicant is in receipt of the pay which was earlier fixed on the basis of the stay order granted by this Tribunal. The recovery has also remained stayed. I provide that until a decision is finally taken by the respondents on the basis of information obtained from the Officer-In-Charge Records, the stay shall continue.

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In case, however, it is finally decided that the applicant was not a Comptant Clerk, the entire overpayment made shall be recoverable from the applicant in accordance with law.

6. This OA is disposed of with the above directions, leaving the parties to bear their own costs.



Member (A)

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