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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 17th day of April 2002.

QUORUM : HON. MR. C. S. CHADHA, A.M.

HON. MR. A.K. BHATNAGAR, J.M.

O. A. No.43 of 1995.

Chandra Pal s/o Pt. Chintamani, Durban Ticket No.672/N.,
Security Section, O.C.F., Shahjahanpur..... ... Petitioner.
Counsel for petitioner : Sri K.C. Saxena.

versus

1. Union of India through Secretary, Ministry of Defence,
New Delhi.
2. The Chief Controller of Accounts (Pys.), 10-A, Auckland,
Road, Calcutta.
3. The General Manager, O.C.F., Shahjahanpur.

.....

..... Respondents.

Counsel for respondents : Sri A. Sthalekar.

O R D E R (ORAL)

BY HON. MR. C.S. CHADHA, A.M.

The relief claimed by the applicant is that his pay fixed by the order dated 22.2.93 be quashed and the salary be re-fixed at the correct level. Without going into the details of the claim, we were informed by the counsel for the applicant, and not disputed by the respondents, that exactly in similar circumstances, a Division Bench of this Tribunal in O.A. No.371/93 passed an order on 17.7.01 and directed the respondents to fix the pay in accordance with the Full Bench judgment in O.A. No.3/89. The sum and substance of that judgment was that while deciding the pay of a retired military pensioner who had given his option according to a circular on the subject, it should be fixed minimum of the pay scale but if this leads to undue hardship, he should be given suitable increments to raise the pay to be more or less the same as the last pay drawn by the ex-service man.

B. B. Bhatnagar

2. In view of the judgment, which is squarely applicable in this case, we quash the order of fixation of salary of the applicant dated 22.2.93 (Annexure A-II) and direct the respondents to review his salary from the date of appointment in accordance with the judgment, cited above.

There shall be no order as to costs.


J.M.


A.M.

Asthana/
17.4.02