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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

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O.A. No. 590/88
Ex. No.

DATE OF DECISION 1-9-1992

J. P. Pathak

Petitioner

Shri P. C. Master

Advocate for the Petitioner(s)

Versus

Union of India & Others. Respondent

Shri Akil Kureishi

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.V. Krishnan : Vice Chairman

The Hon'ble Mr. R.C.Bhatt : Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

(9)

Shri J.P.P.Pathak,
66, Sumangal Society,
Behind Motor House,
JAMNAGAR - 361 008.

...Applicant

(Advocate : Mr.P.C.Master)

Versus

1. Union of India
(process to be served
~~through~~ upon
the Secretary,
Central Board of Excise & Customs,
Ministry of Finance,
Department of Revenue,
North Block,
NEW DELHI - 110001.
2. The Collector of Customs and
Central Excise,
Centre Point Building,
Rajkot.

...Respondents.

(Advocate : Mr.Akil Kureshi)

O R A L J U D G M E N T

6.A. NO. 590 OF 88

Date : 01.09.1992.

Per : Hon'ble Mr.R.C.Bhatt : Judicial Member

Shri P.C.Master learned advocate for the
applicant. Shri Akil Kureshi learned advocate for
the respondents.

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1. This application is filed by the applicant, Retired Asstt. Collector, Customs and Central Excise, Rajkot, seeking the relief for the declaration that the action or inaction on the part of the respondents in not giving him senior time scale from the date of promotion i.e. 31st August 1980 or in the alternative, from 1st September 1983, is unjust and illegal and further directing the respondents to give senior time scale to the applicant on the post of Assistant Collector, Customs and Central Excise from 31st August 1980 or in the alternative from 1st September 1983 and to pay him all the differences in salary, allowances and retiral benefits and to fix his pension accordingly as if applicant was given senior time scale of -- Rs.1100 - 1600 as prayed for. The respondents have filed detailed reply controverting the allegations made against them in the application.

2. At the time of hearing of this application, the learned Advocates of both the parties submitted that this Application can be disposed of as per the direction given in Office Order No.185/90 dated 25th October 1990 produced by respondents to-day. The learned Advocates for the respondents submitted that the respondents have, in pursuance of the directions given in the decision of the Hon'ble Supreme Court in case of A.K. Chetterji and others Vs. Union of India and ors. AIR 1991 SC page 996, passed office order No.185/90 dated 25th October 1990. The learned Advocate for the applicant submitted that as the applicant has already retired before he filed this Q.A., the question which remains to be decided is only the difference in salary.

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allowances and retiral benefits and fixation of his pension according to this Office Order No.185/90. The name of this applicant is shown at Sr.No.2 in Annexure III, annexed to this Office Order, which shows that the applicant's promotion to the grade of senior time-scale, in the Indian Customs and Central Excise services, Group 'A' took effect from 31st August 1984. Both the learned Advocates agree that the applicant should be given the benefit of pay, allowances and the fixation of retiral benefits on the basis of this order. Hence, we pass the following order:

OR D E R

3. The respondents are directed to pay the difference in salary, allowances and retiral benefits to the applicant and also to fix his pension on the basis of his promotion to the Grade of senior time scale in the Indian Customs and Central Excise/ Group 'A' effective from 31st August 1984, as per the Office Order No.185/90 dated 25th October 1990, passed by the respondents. The respondents are directed to comply with these directions within eight weeks from the receipt of the order of this Tribunal. Application is disposed off accordingly. No order as to costs.

R.C.Bhatt
(R.C.Bhatt)
Member (J)

N.V.Krishnan
(N.V.Krishnan)
Vice Chairman.