

(9)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

**O.A. No. 777 OF 1988**

~~EX-XXXXXX~~

**DATE OF DECISION** 4.8.1992.

Prabhulal Jethalal Solanki & Ors. Petitioners

Mr. D. V. Mehta for Mr. B. P. Tanna, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondents

Mr. Akil Kureshi, 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?

1. Prabhulal Jethalal Solanki
2. Ranchhod Vashram,
3. Akkaykumar K. Joshi,
4. Naran Ranchhod,
5. Tulsiani Govind Jethalal,
6. Praful Harilal Chudasma,  
All C/o. No.1 P.J.Solanki  
Nani Pipla Seri, Kodiavad,  
Jamnagar.

.... Applicants.

(Advocate: Mr. D.V. Mehta for  
Mr. B.P. Tanna.)

Versus.

1. Union of India  
Notice to be served though  
the Ministry of Defence  
Army Headquarter,  
Sanrakshan Mantralaya Bldg.,  
New Delhi.
2. Engineer-in-chief,  
Ministry of Defence,  
Army Headquarter,  
Sanrakshan Mantralaya Bldg.,  
New Delhi.
3. Garrison Engineer,  
Ranjitnagar Road,  
Jamnagar.
4. Garrison Engineer (Navy)  
Jamnagar.

.... Respondents.

(Advocate: Mr. Akil Kureishi)

ORAL ORDER

O.A. No. 777/1988

Date: 4.8.1992.

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

Heard Mr. D.V. Mehta for Mr. B.P. Tanna, learned  
counsel for the applicant and Mr. Akil Kureishi,  
learned counsel for the respondents.

2. The applicants serving with the respondent  
No. 4 as civilian employees in Group 'C' under Garrison  
Engineer (Navy), have filed this application under  
section 19 of the Administrative Tribunals Act, 1985

for a declaration that the applicants are entitled to draw revised pay scale as per order dated 15th October 1984 looking to the averments made in the representation and in T.A. 469/86.

3. It is the case of the applicants that they were put in higher pay scale and the same was given by Annexure A order dated 15th October, 1984 by the respondent No.4 and again by order dated 9th January, 1985 vide Annexure C they were put in lower pay scale by respondent No.4. Therefore, the applicants challenged that order by filing Special Civil Application No. 4481/85 in the High Court of Gujarat at Ahmedabad which was transferred to this Tribunal on the establishment of this Tribunal and it was numbered as T.A. 469/86. The applicants have produced the judgment given by this Tribunal in T.A. 469/86 by which this Tribunal has directed the respondents to dispose of the grievance of the applicants according to the observation made in para 11. The case of the applicants is that the applicants had made representations to the respondents as per the direction given by this Tribunal but the order which has been passed ultimately on 5th October, 1988 vide Annexure A-1 is neither the speaking order nor the compliance of the direction given by the Tribunal as per observation in para 11 of the judgment.

4. The respondents have filed reply contending that after the decision given by the Tribunal the respondents had given the show-cause notice dated 5th October, 1988 for the recovery of the amounts and the respondents have also considered the reply given by the applicants. It is contended that the applicants are not entitled to the any revised pay scale as per order dated 15th October, 1984.

5. The applicants have filed rejoinder controverting the contentions taken by the respondents in the reply.

6. The applicants have filed written submissions and have waived the oral arguments. The main bone of contention of the applicants was found in the written submissions is that the authority concerned has not properly understood the decision of this Tribunal and have passed the impugned order on the footing that the Tribunal has confirmed <sup>the</sup> reversion of the applicants from higher pay scale to lower pay scale and therefore, after receiving representations from the applicants, they were entitled to pass the order of reduction in pay scale. It is mentioned in the submissions that the applicants were given higher pay scale by order dated 15th October, 1984, but on 9th January, 1985 the order was passed by the respondent No.4 for reducing a pay scale. It is mentioned in the written submissions that the said order dated 9th January, 1985

per

was quashed and set aside by the Tribunal in T.A.469/86. However, the respondents without complying with the directions of the Tribunal given in para 11 of the judgment mechanically passed the order dated 5th October, 1988 which is under challenge before this Tribunal.

7. We have perused the impugned order Annexure A-1 dated 5th October, 1988 and we find that the respondents have not complied with the direction which have been given in para 11 of the judgment by the Tribunal in T.A. 469/86. The respondents were to consider the claim required of the applicants for the benefit of upgradation or revised scale on the basis of the order issued on 15th October, 1984, but the respondents without deciding that point, simply came to the conclusion that the respondents were entitled to recover the amount from the applicants which was according to them the over payment and the respondents interpreted the judgment as if the Tribunal had confirmed the reversion order. In our opinion, the respondents have misdirected themselves to the issue in question aforesaid as per the direction given in para 11 of the judgment, and therefore, unfortunately it will have to be sent back to them to decide the same directions given.

strictly according to the Though this matter is an old matter of 1988, as observed above, it is not possible finally to decide this matter without first the respondents giving the decision as per the direction of the Tribunal. Hence we pass the following order :

O R D E R

The order Annexure A-1 passed by the respondent No.4 is quashed and set aside and the matter is sent back to the respondent No.4 to decide the points as per the direction of this Tribunal in T.A. No. 469/86 by passing a speaking order within three months from the date of the receipt of this order. Application is disposed of accordingly with no orders as to costs.

Rise

(R.C.Bhatt)  
Member (J)

  
4.892  
(N.V.Krishnan)  
Vice Chairman

vtc.