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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 45 of 1993

Date of decision: August 17, 1993

Shri Krishnalal Chopra ... Applicant

Versus

Union of India and others ... Respondents

(For Instructions)

1. Whether it be referred to the reporters or not? ✓
2. Whether it be circulated to all Benches of the Central Administrative Tribunals or not? ✓

17/8/93
(K.P.ACHARYA)
Vice-Chairman

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CUTTACK BENCH; CUTTACK

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Versus

Union of India & others ... Respondents

For the Applicant ... M/s C.A.Rao, S.K.Purohit,
S.K.Behera, P.K.Sahoo,
Advocates.

For the Respondents ... Mr.Ashok Misra, Senior
Standing Counsel (Central)

C O R A M:

THE HONOURABLE MR. K.P.ACHARYA, VICE CHAIRMAN

J U D G M E N T

K.P.ACHARYA, V.C.

The Petitioner was a Junior Engineer under the Executive Engineer at Malkanagiri of Dandakaranya Development Authority, Koraput. His pay scale was fixed at Rs. 550-750/-. Petitioner in Original Application No.85 of 1990 was given a pay scale of Rs.550-900/- to keep the said petitioner in par with the Junior Engineers of other Departments. In this application it is prayed by the petitioner that a declaration be given that Selection Grade Junior Engineers of Dandakaranya Project including the petitioner are entitled to get the actual benefits namely fixation of higher pay scale at the rate of Rs. 550-900/- (pre-revised) and

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nd B. 1640-2900/-(revised) and further it is prayed to command the Opposite Parties to implement the judgment contained in Annexure 1.

2. In their counter, the Opposite Parties maintained that the judgment as per Annexure 1 has been implemented. The averment finding place in paragraph 11 runs thus :

"11. That in reply to the submission grounds as made in para 5(A-D) of the application, it is stated that the respondents have already implemented Hon'ble Tribunal's judgment dated 8.8.91. In that order the Hon'ble Tribunal had directed the respondents to make payments to the applicant in accordance with the order dated 18-11-88 issued in respect of similarly placed persons. Since the persons in the order dated 18-11-88 were given notional benefits from the date of their promotion to the Selection Grade and actual benefits from the date of judgment i.e. 30.3.88, the same principle was applied in applicant's case too, in compliance with Tribunal's order. As the date of applicant's superannuation i.e. 31-5-87 fell before the date of judgment of CAT, Cuttack i.e. 30.3.88 hence no actual benefits were found due to him. In the light of above, it is clear that no violation of Tribunal's direction has been done".

In my opinion
 /since the petitioner was superannuated before passing of the judgment in Original Application No. 85 of 1990, the petitioner is not entitled to the relief claimed.

3. This judgment is delivered after hearing

Mr.P.K.Sahoo learned counsel appearing for the petitioner and Mr.Ashok Misra learned Senior Standing Counsel (Central).

4. Thus, the application is accordingly disposed of leaving the parties to bear their own costs.

K. Mohanty
17-8-93
VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack/K.Mohanty/
17.8.93.