

In the Central Administrative Tribunal, Jodhpur Bench,  
J o d h p u r

...  
Date of order : 20.10.2000

ORIGINAL APPLICATION NO. 296/1998

Bajrang Singh Choudhary S/o Shri Umaid Ramji, aged about 40 years R/o House No. 426, Sardarpura, Jodhpur, presently serving on the post of Surveyor Assistant Grade-I (S.A.-I) in the office of the Commander Works Engineer (Army), Jodhpur.

..... Applicant.

Vs.

1. Union of India through the Secretary, Government of India, Ministry of Defence, Raksha Bhawan, New Delhi.
2. The Chief Engineer, Jaipur Zone, Banni Park, Jaipur.
3. The Area Accounts Officer (AAO), Southern Command, Khatipura Road, Jaipur.
4. The Commander Works Engineer (CWE) (Army), Multane Line, Jodhpur.

.... Respondents.

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CORAM :

HON'BLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

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Mr. S. K. Malik, Counsel for the applicant.

Mr. Vineet Mathur, Counsel for the respondents.

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ORDER

BY THE COURT :

In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant, Bajrang

Gopal S

.2.

Singh, has prayed for setting aside the impugned order dated 28.10.98 (Annex.A/1), and for a direction to the respondents to refund to the applicant the amount that has been recovered in pursuance of the order dated 28.10.98 (Annex.A/1).

2. Vide order dated 19.11.98, the operation of the order dated 28.10.98 has been stayed.

3. The impugned order Annex.A/1 is the out-come of re-fixation of pay of the applicant in terms of respondents department letter dated 24.4.96 according to which the applicant was fixed in the pay scale of Rs.1640-2900 with effect from 1.1.86, but the next increment was allowed from 1.10.87 and not from the due date of increment in the lower grade. The question of pay fixation with effect from 1.1.1986 in the scale of Rs. 1640-2900 and grant of subsequent increment with effect from the due date in the old scale in terms of Tribunal letter dated 24.4.96, came up before the ~~in~~ in O.A.No. 184/98 decided on 31.8.2000, wherein, it was held that the applicant will be entitled to the next increment in the higher grade pay scale of Rs. 1640-2900 on the normal date as due in the entry grade of Rs.1400-2300. Since the controversy involving grant of increment in the higher pay scale of Rs. 1640-2900 has been settled by this Tribunal's order dated 31.8.2000, the impugned order Annex.A/1 dated 28.10.98 does not survive and the same deserves to be set aside.

4. The Application is accordingly allowed. The impugned order dated 28.10.1998 at Annex.A/1 is set aside. No orders as to cost.

*Gopal Singh*  
(GOPAL SINGH)  
Administrative Member

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31/10/2000

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section officer ( ) as per  
order dated 19.11.06

N.G.R.  
Section officer (Record)

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