

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No.O.A.631/1997

Date of order : 29.4.2004

Present : Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman  
Hon'ble Mr. N.D. Dayal, Administrative Member

SUSHIL KR. DE  
VS.  
UNION OF INDIA & ORS.

For the applicant : None  
For the respondents : Ms. U. Sanyal, counsel

O R D E R

Per Justice B. Panigrahi, V.C.

In the previous occasion the ld. counsel appearing for the applicant was not present. Accordingly he was asked to remain present today since this is an old matter of 1997. However, nobody is present today on behalf of the applicant. Heard Ms U. Sanyal on behalf of the respondents. In this case the applicant after his retirement has claimed for upgradation of his scale of pay from Rs.1400-2600/- to Rs.1640-2900/-. Such prayer was made on the basis of a judgment passed by the Principal Bench in O.A.No.199/1992 and MP 822/1994 wherein it was indicated that the pay scale should be Rs.1400-40-1600-50-2300-EB-60-2600/- to the scale of pay of Rs.1640-2900/- on a notional basis with effect from 1.1.1986 and all actual benefits consequent upon such revision shall be given with effect from 1.1.92.

2. In course of hearing this Bench was pleased to direct the respondents to examine the applicant's case in the light of the aforesaid judgment as well as the notification passed thereon and if the applicant is so entitled, to provide him such benefit. Accordingly the matter was thoroughly probed by the respondents and they have decided the matter keeping in view the guidelines stated in the above O.A. by stating that the applicants' scale was reduced from Rs.2000 to Rs. 1850/- as there was punishment of reduction of pay scale in three stages. They have also informed that after such punishment is worked out by reducing the pay scale in three stages there shall be no substantial increase in his salary. The decision

was also communicated to the applicant on 21.8.1996. The respondents have also filed an application before the Tribunal by showing their bonafide to have complied with the direction of Tribunal. The applicant however, has not disputed about the averments stated in the compliance report. In that view of the matter we are of the prima facie view that the applicant cannot get higher fixation benefit than what he has already got. Accordingly we find that there is no merit in the application. It is submitted by Ms. Sanyal that the applicant has already received all his retiral benefits, nothing is due to be payable to him and his pension is also accordingly determined which he is receiving.

3. In that view of the matter there is no merit in the application and the same is dismissed in the light of the above discussion. No order as to cost.

MEMBER(A)

VICE-CHAIRMAN