

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

DATE 1.3.1990

PRESENT

HON'BLE SHRI N. V. KRISHNAN, ADMINISTRATIVE MEMBER

&

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

O. A. 158/89

M. V. Thomas

Applicant

Vs.

1. Union of India represented by the  
Secretary to Government,  
Ministry of Finance, New Delhi
2. Controller of Defence Accounts  
Madras
3. Directorate General, National  
Cadets Corps, R. K. Puram,  
New Delhi,
4. National Cadet's Corps Directorate  
Kerala & Lakshadweep,  
Cotton Hill Bunglow, Trivandrum  
and
5. Sri M. C. Thomas, Office of the  
Supdt., Directorate of N.C.C.  
Trivandrum

Respondents

M/s. K. Usha & N. S. Aravindakshan

Counsel for the  
applicant

Mr. T. P. M. Ibrahim Khan, ACGSC

Counsel for the  
Respondents

JUDGMENT

HON'BLE SHRI N.V. KRISHNAN, ADMINISTRATIVE MEMBER

This application has been filed to direct the  
respondents to fix the applicant's pay at Rs. 1950/-  
from 1.9.1987 on par with that of his junior and  
further to direct the respondents to take the stepped up

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pay as the basis for arriving at the pension, gratuity and other terminal benefits due to the applicant.

2. The reason for not stepping up the pay earlier was that a certain amount of special pay of Rs. 35/- paid to UDCs was not taken into account earlier.

3. The respondents have filed a statement dated 15.12.1989 in which they have made the following statements:

"It is submitted that now the Government have decided to extend the benefit of special pay of Rs. 35/- also to these upper Division Clerks who were drawing special pay of Rs. 35/- in terms of the Ministry of Finance O.M. No. 7(52)/E III/78 dated 5.5.79 and promoted to higher post prior to 1.9.85. The pay of the effected employees who fulfill the conditions mentioned in the Ministry of Finance O. M. No. 7(35) E III/87 dated 1.9.87 will be refixed on notional basis from the date of their promotion by taking special pay of Rs. 35/- into account and actual benefit will be allowed to them only from 1.9.85 without payment of any arrears. Photocopy of each of Ministry of Defence I.D. No. F(6)/86-D (EIV.I) dated 7.6.89 and Ministry of Finance (Department of Expenditure) O.M. No. 7(29)EIII/89 dated 25th May 1989 is produced herewith and marked as Annexure R-A."


They have also produced as Annexure R-A dated 7.6.1989 a copy of the Government order.

4. The counsel for the applicant submitted before us today that in view of the statement and the orders passed the present application has become infructuous and hence it can be closed.

5. We agree that in the light of the <sup>se</sup> development nothing else remains for adjudication. The case is closed as having become infructuous.

  
1.3.90

(N. Dharmadan)  
Judicial Member

  
1/3/90

(N. V. Krishnan)  
Administrative Member