

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 221 of 1995

Monday, this the 1st day of July, 1996

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR P V VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

U. Balakrishnan,
Travelling Ticket-Inspector/Sleeper,
Southern Railway, Cannanore.

.. Applicant

By Advocate Mr T.C. Govindaswamy.

Vs

1. Union of India through the Secretary,
Ministry of Railways, New Delhi.

2. The Chief Personnel Officer,
Southern Railway, Madras -3.

3. The Divisional Personnel Officer,
Southern Railway, Palghat.

.. Respondents

By Advocate Mr K.S. Bahuleyan for Mr TPM Ibrahim Khan,
Sr. CGSC.

The application having been heard on 1st July 1996,
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant seeks a direction to fix his pay
in the scale of Rs 260 - 400 by granting one increment
for each completed year of service in the Air Force.
He is entitled to get that benefit in the light of the
decision of a Full Bench of this Tribunal in O.A. 3/89.
It would appear that an SLP has been filed against
O.A. 3/89, and that the Supreme Court has passed an


interim order staying the operation of the judgment.

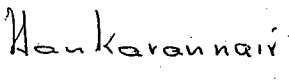
2. An interim order in a given case, will not be a declaration of law in the light of the decisions of the Apex Court in Daryao & Others Vs. State of Uttar Pradesh (AIR 1961 SC 1457), Nawab Sir Mirza Osman Ali Vs. Commissioner of Wealth Tax (AIR 1987 SC 522) and Supreme Court Employees Welfare Association Vs. Union of India (AIR 1990 SC 334). In the absence of a declaration of law to the contrary and in the light of the decisions of the Supreme Court noticed, we are bound to follow the decision in O.A. 3/89 and allow the application. Respondents will implement the rule laid down in O.A. 3/89 to which they were parties. This will be done within four months from today.

3. However, to protect the interests of respondents, we would direct applicant to execute an undertaking that he will pay back the amounts received by him pursuant to this order, in the event of the Supreme Court declaring the law, contrary to the declaration in O.A. 3/89.

4. Original Application is allowed. Parties will suffer their costs.

Dated the 1st July, 1996.


P V VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN