

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.34/99

Monday, this the 2nd day of August, 1999.

CORAM:

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR J.L.NEGI, ADMINISTRATIVE MEMBER

C.A.Gopinathan,
Senior Superintendent of
Telegraph Traffic(Retd.)
Calicut.
(Residing at 'Sindhu' 1/3490,
East Hill Road,
Calicut-673 006)

- Applicant

By Advocate Mr G.D.Panicker

Vs

1. Union of India
represented by Secretary to Government,
Ministry of Communications,
Sanchar Bhavan,
New Delhi.
 2. General Manager,
Telecom,
Calicut.
 3. Chief Accounts Officer(TA),
O/o the Chief General Manager,
Telecom,
Thiruvananthapuram.
- Respondents

By Advocate Ms P Vani, ACGSC

The application having been heard on 2.8.99, the
Tribunal on the same day delivered the following;

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

The applicant filed O.A.1134/93 for getting his pay stepped
up on par with his junior who was drawing higher pay. That
application was allowed by order dated 29.10.93 directing stepping
up of his pay on par with his junior. The respondents implemented

the judgement and stepped up his pay. However, the respondents took up the matter in appeal and the Hon'ble Supreme Court dismissed the same. The applicant retired on superannuation on 30.11.95 and his pension was fixed at Rs.1712/- and subsequently on implementation of the report of the Vth Central Pay Commission, the pension was enhanced to Rs.5153/- with effect from 1.1.96. The grievance of the applicant is that purportedly on the basis of an order of the Supreme Court in Civil Appeal No.8658/96 in Union of India Vs R.Swaminathan and others, the Director, Telecommunications, issued orders to the General Managers to review all the cases in which pay had been stepped up on par with the juniors and that by the impuned order A-6 issued by the General Manager, the applicant's pension was reduced to Rs.1544/-. The applicant has assailed this order and prayed that the impugned orders A-3, A-4 and A-6 may be set aside to the extent it affects him.


2. Respondents seek to justify the impugned action. We have gone through the pleadings and the materials placed on record and have heard Shri GD Panicker, learned counsel for the applicant and Ms P Vani, learned ACGSC for the respondents.

3. It is not disputed that the decision of the Tribunal in O.A.1134/93 directing the respondents to refix the pay of the applicant stepping up on par with his junior had become final as the SLP filed against that judgement was dismissed by the Hon'ble Supreme Court. Therefore, though in a later case relating to stepping up of pay, namely, Civil Appeal No.8658/96, the Apex Court has held that the respondents therein are not entitled to stepping up of pay on par with their juniors, we are of the considered view that the respondents in this O.A. have no right to refix the applicant's pay as the decision in O.A.1134/93 has become final

and binding on the respondents. A decision in another case on a later point of time will not have any effect on the decision inter-parties which has become final.

4. In the light of what is stated above, the application is allowed and the impugned orders A-3, A-4 and A-6 are set aside to the extent it affect the applicant. No costs.

Dated, the 2nd of August, 1999.


(J.L.NEGI)
ADMINISTRATIVE MEMBER


(A.V.HARIDASAN)
VICE CHAIRMAN

trs/3899

List of Annexures referred to in the Order:

1. A-3: A true copy of letter No.LC/II/0-4/95 dated 28.4.98 from the 3rd respondent.
2. A-4: A true copy of Memo No.6107/AO/44 dated 5.10.98 from the 2nd respondent.
3. A-6: A true copy of letter No.EEF/6107/AO/71 dated 30.12.98 from the 2nd respondent.