

**Central Administrative Tribunal  
Lucknow Bench**

OA No.399/2005

Lucknow this the 18<sup>th</sup> day of March, 2009.

**Hon'ble Mr. Shanker Raju, Member (J)**

**Hon'ble Dr. (Mrs.) Veena Chhotray, Member (A)**

Sudhir Sawant, aged about 46 years, S/o Shri S.D. Sawant, R/o 87-F, Samar Vihar Colony, Alambagh, Lucknow.

-Applicant

(By Advocate Shri Praveen Kumar)

**-Versus-**

Union of India, through:

1. The Secretary, Ministry of Labour and Employment, New Delhi.
2. Central Government Industrial Tribunal cum Labour Court through its Presiding Officer, Kendriya Bhawan, 8<sup>th</sup> Floor, Sector-H, Aliganj, Lucknow.
3. Shri Sri Kant Shukla, C/o Central Government Industrial Tribunal cum Labour Court, Kendriya Bhawan, 8<sup>th</sup> Floor, Sector-H, Aliganj, Lucknow.

-Respondents

(By Advocate – None)

**O R D E R (ORAL)**


**Mr. Shanker Raju, Member (J):**

Heard the learned counsel appearing for the applicant. None appeared for the respondents. As the matter is of the year 2005, we proceed to dispose of the OA in terms of Rule 16 of the Central Administrative Tribunal (Procedure) Rules, 1987 in the absence of the learned counsel for the respondents.

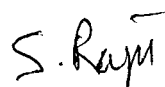
2. At the outset we find that the directions issued by the Tribunal in OA-52/2005 on 7.3.2005 clearly ruled pay fixation of the applicant in PA grade as per letter dated 7.7.2004 which

stipulates that his pay fixation has to be done in the pre-revised deputation pay scale at the time of joining of applicant CGIT-cum-Labour Court and thereafter fixation of pay in the revised pay scale in an equivalent and corresponding pay scale as per the formula adopted by the Government of India. From the perusal of the order passed by the respondents on 2.8.2005 we do not find any such consideration as per letter dated 7.7.2004, rather the pay fixation has been done retrospectively in a manner that an outstanding amount of Rs.2,37,333/- has been recovered from the individuals. However, this has been stayed by the Tribunal.

3. In the above view of the matter, we do not approve of the pay fixation of applicant, which is oblivion of the letter dated 7.7.2004 and also not in true letter and spirit in compliance of the order of the Tribunal. Accordingly, OA stands partly allowed. Impugned order is set aside. Matter is remitted to the respondents to reconsider pay fixation of applicant strictly in accordance with letter dated 7.7.2004 by passing a detailed and speaking order, within a period of three months from the date of receipt of a copy of this order. Till then the order staying the recovery will hold good. No costs.



**(Dr. Veena Chhotray)**  
**Member (A)**



**(Shanker Raju)**  
**Member (J)**

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