

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH
CIRCUIT SITTING AT PANAJI, GOA

O.A.No.141/87

- 1.S/Shri V.D.Mashelkar
- 2.Norberto Faleiro
- 3.Manohar Desai
- 4.Diogo Pereira

... Applicants

V/s

- 1.) The Chief Secretary
Govt. of Goa, Daman &
Diu, Secretariat,
Panaji, Goa.
- 2) The Director of Fisheries,
Govt. of Goa, Daman and
Diu. Dayanand Bhandodkar
Marg-Panaji- Goa.

... Respondents

Coram: Hon'ble Member(J) Shri M.B.Mujumdar
Hon'ble Member(A) Shri P.S.Chaudhuri

Appearances:

1. Shri C.U.Singh,
Advocate for the
Applicant.
2. Shri M.I.Sethna,
Counsel for
Respondents No.1 & 2.

ORAL JUDGEMENT
(Per M.B.Mujumdar, Member(J))

Date: 15-12-1988.

Original Application No.141/87 was filed on
26-2-1987 under Section 19 of the Administrative Tribunals
Act 1985. The relevant facts are set out below.

2. In 1964 and 65 the applicants were appointed as
Artist, Chief Mechanic, Electrician and Assistant
Mechanic-cum-Electrician respectively. The scales of pay
of these posts were Rs.210-425, 250-380, 250-380 and
150-175, respectively when they were appointed. The Goa
Government, Department of Fisheries (Non-Ministerial and

Non-Gazetted Posts) Recruitment Rules, 1966 came into force in August, 1966. In view of these Rules, the scales of pay of these posts were regularised. In May, 1969 applicants No. 2, 3 and 4 were informed that the scales of the posts held by them stood reduced to Rs. 205-280 (Chief Mechanic), 150-240 (Electrician) and 110-131 (Mechanic Gr.III), with retrospective effect from 14-3-1968. All of them represented against the reduction in their scales. They also exercised their option under FR-23 to retain the old scales of pay of the posts held by them. As regards applicant No.1, he was informed in September, 1980 that his scale of pay was reduced to Rs.130-300 (Artist) with retrospective effect also from 14-3-1968. He also represented and exercised option under FR-23. In 1971 the Government allowed an employee of the Education Department of the Goa Government to exercise an option under FR.23. Again the applicants represented. The report of the IIIrd Pay Commission was implemented with effect from 1.1.1973 but the applicants' pays were fixed on the basis of the reduced pay scales. On 29.9.1979 the Judicial Commissioner, Goa, Daman and Diu, Panaji allowed two writ petitions filed by V.G.Gopinathan Research Assistant and M.V.Ghantkar, Marketing Inspector in the Director of Fisheries, Panaji directing that the Government should fix their pay in the scale equivalent to their original scales of pay. Even thereafter the applicants continued making representations both personally and through their association, but the Government was all the while informing them that the matter was under consideration. However, by the letter dated 4th March, 1985 the Government of India, Ministry of Agriculture and Rural Development informed the General Secretary of the Goa Government Employees Association, Panaji that the

decision of the Ministry in regard to his representation had already been communicated to the Government of Goa by the letter dt. 18.1.1984 for taking further necessary action. In spite of that letter the Government of Goa did not implement the directions in the letter dated 18.1.1984. Finally on 25.2.1987 the applicants have filed this application for setting aside the reduction in their scales of pay and for directing the respondents to place the applicants in the scales of pay equivalent to their original scales of pay w.e.f. 14.3.1968. They also prayed for interest on arrears and exemplary costs of Rs.5,000/-.

3. In spite of many dates the respondents did not file the written statements because the matter was under consideration. However, on 23rd August, 1988 we were informed that the Government had finally decided that the applicants had a right to the grant of the original scales of pay, and subsequent equivalent scales, w.e.f. 14.3.1968 and orders to that effect were being issued. Today, Mr.C.U.Singh, learned advocate for the applicants, stated that the main relief claimed for by the applicants is granted to them by separate orders dated 7.12.1988.

4. Mr.Singh submitted that some time limit should be fixed for paying arrears to the applicants and that they should also be paid interest on arrears and costs of the application. Mr. Sethna, learned advocate for the respondents fairly agreed to fixing some time limit for paying the arrears. However, he submitted that no interest should be paid on the arrears because the respondents have suo moto acceded to the request of the applicants.



5. After considering the facts and circumstances of this case we pass the following orders:

O R D E R

(i) We direct that the respondents shall pay arrears due to the applicants as per their orders dated 7.12.1988 within four months from today. They shall also pay arrears of pension and settlement dues to the applicants No. 2 and 4, who have retired in 1985, within the same period.

(ii) We are not awarding interest to the applicants on these arrears. However, we direct that the respondents shall pay Rs. 2,000/- as costs of this application to the applicants together.



(P.S. CHAUDHURI)
MEMBER (A)



(M.B. MUJUMDAR)
MEMBER (J)