

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI
NEW BOMBAY BENCH

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T.A. No. 408/87

DATE OF DECISION 29.3.1989

Shri P.R.Vichare & Ors.

Petitioner

Advocate for the Petitioner(s)

Versus

Union of India & Another.

Respondent

Shri R.K.Shetty,

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. M.B.Mujumdar, Member (J),

The Hon'ble Mr. P.S.Chaudhuri, Member (A).

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Tr. Application No.408/87.

1. Shri P.R.Vichare,
At Post Kandhali,
Tal - Samudrapur,
Via - Hinga Ghat,
Dist. - Wardha,
Pin - 442 301.
2. Shri A.S.Hardikar,
2163 Sadashiv Peth,
Pune - 411 030.
3. Shri G.M.Rajendra,
H. No.196, Uttamnagar,
Pune - 411 023.

... Applicants

V/s.

1. Union of India, owning
and controlling Defence Installations, by its Secretary,
Ministry of Defence,
New Delhi.
2. Commandant,
National Defence Academy,
Khadakwasla,
Pune.

... Respondents.

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

Oral Judgment:

Dated: 29.3.1989.

The applicants were appointed as Librarians Gr.III in the scale of Rs.130-300 in the National Defence Academy, Khadakawasla, Pune. The applicants had filed this Writ Petition No.1742/84 in the High Court of Judicature at Bombay on 30.1.1984 and it is transferred to this Tribunal under section 29 of the Administrative Tribunals Act, 1985.

2. In the writ petition they have prayed for directing the respondents to fix their pay scales attached to Gr.III Librarians w.e.f. their respective dates of appointments under the Recruitment Rules framed by the respondents on 23.9.1967 in the pay scale of Rs.150-320, which is revised under the IIIrd Pay Commission to

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Rs.380-12-640 w.e.f. 1.1.1973. They have also prayed for directing the respondents to pay the difference in pay and allowances arising out of the fixation of pay in these scales.

3. The respondents have filed their written statements and pointed out that the pay scale of Librarians Gr.III at the National Defence Academy is revised from 23.9.1967 to 150-320 and it is further revised to Rs.380-640 under the Revised Pay Rules 1973 and to Rs.1350-2200 under the Revised Pay Rules, 1986. The respondents have also passed an order to that effect at Annexure ~~2~~ II.

4. We have just now heard applicant No.1 Shri P.R.Vichare and applicant No.2 Shri A.S.Hardikar and Mr.R.K.Shetty advocate for the respondents.

5. In view of the Annexures II and III to the written statement, the applicants prayers are conceded by the respondents. Respondents have also produced a copy of the order dated 25.5.1988 at Annexure III revising the pay scales of the applicants as per Annexure.II. However, the grievance of the applicants Nos. 1 and 2 was that they should have been given the new scale of Rs.150-320 w.e.f. the respective dates of their appointments. But the rules were promulgated on 23.9.1967, and there is no mention that these rules shall operate retrospectively. In the appointment orders which were given to the applicants they were given the scale of Rs.130-300. Though they might have represented for giving them the scale of Rs.150-320 it was given to them from 23.9.1967 i.e. the date on which the Recruitment Rules came into force.

...3.




Hence we do not think that the applicants are entitled to any relief from the dates of their appointment till 22.9.1967.

6. The next grievance of the applicants was that they are not given arrears as per Annexure II and III. Mr. Shetty submitted that the arrears were not given to the applicants because of the pendency of this application. We now direct that the respondents should pay arrears due to the applicants as per Annexure II and III to the written statements within two months from the date of receipt of a copy of this order.

7. With this direction the application is disposed of with no order as to costs.



(P.S. CHAUDHURI)
MEMBER (A)



(M. B. MUJUMDAR)
MEMBER (J).