

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 321/88 & 322/88

~~XXXXXXXXXXXXXXXXXXXX~~

DATE OF DECISION 19.1.1994

Sh.M.I.Geevarghese & Sh.E.M.Kherkar Petitioner

Shri Y.R.Singh Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Shri P.M.Pradhan Advocate for the Respondent(s)


CORAM:

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri N.K.Verma, Member (A)

1. ~~Whether Reporters of local papers may be allowed to see the Judgement?~~
2. To be referred to the Reporter or not ?
3. ~~Whether their Lordships wish to see the fair copy of the Judgement?~~
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(N.K.VERMA)  
MEMBER (A)

  
(M.S.DESHPANDE)  
VICE CHAIRMAN

seen & ready  
for distribution

*[Handwritten signature]*

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY

OA.NO. 321/88 & OA.NO. 322/88

1. Shri M.I.Geevarghese  
2. Shri E.M.Kherkar

... Applicants

V/S.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande  
Hon'ble Member (A) Shri N.K.Verma

Appearance

Shri Y.R.Singh  
Advocate  
for the Applicants

Shri P.M.Pradhan  
Advocate  
for the Respondents

ORAL JUDGEMENT

Dated: 19.1.1994

(PER: M.S.Deshpande, Vice Chairman)

In this case the applicants claim that their pay to be refixed in the pay scale of Rs.205-7-240-8-280 w.e.f. 5.5.1965/21.1.1965 respectively with all consequential benefits based on the seniority given to S.Lakshmanan, original Respondent No. 4 by virtue of the order passed by the respondents in pursuance of the decision of the Madhya Pradesh High Court on 4.4.1983. The respondents have pointed out that the judgement of the Madhya Pradesh High Court came up for consideration in Civil Appeal No. 1690 of 1993 decided on 31.3.1993 by the Supreme Court and they had specifically pointed out that the said judgement of the Madhya Pradesh High Court though approved by the Court in Paluru's case would be binding only on the parties thereto and could not bind others. Pursuant to the judgement of the Supreme Court in K.K.M.Nair & Ors. vs. Union of India & Ors., Civil Appeal No. 1690 of 1993, the seniority

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is being reconsidered. The learned counsel for the respondents states that the applicants' case may also come up for consideration when the question of seniority is considered and if based on the seniority, the pay of the applicants will have to be refixed, it will be so refixed. In view of this statement, Shri Y.R.Singh, the learned counsel for the applicants does not press the present application. It is dismissed for want of prosecution on the above statement.

(N.K. VERMA)  
MEMBER (A)

  
(M.S. DESHPANDE)  
VICE CHAIRMAN

mrj.