

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 692/88

~~XXXXXX XXXX XXXX XXXX XXXX XXXX~~

DATE OF DECISION 19.1.1994

Shri B.S.Mhatre Petitioner

Shri G.S.Walia Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Shri P.R.Pai 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? Yes
2. To be referred to the Reporter or not? W
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? W

(N.K.VERMA)
MEMBER (A)

(M.S.DESHPANDE)
VICE CHAIRMAN

NS/

(3)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

OA. NO. 692/88

Shri Balchandra S.Mhatre ... Applicant
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 G.S.Walia
Advocate
for the Applicant

Shri P.R.Pai
Advocate
for the Respondents

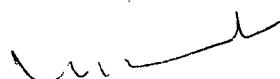
ORAL JUDGEMENT

Dated: 19.1.1994

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

By this application, the applicant challenges the order reducing his pay from Rs.2050/- to Rs.1700/- in the month of January, 1987 and seeks consequential benefits and arrears. 

2. The applicant was appointed originally as a Trade Apprentice and was sent on deputation to the Production Control Organisation on 26.12.1959 that being an ex-cadre post. On 19.3.1981 the applicant was promoted to the post of Chargeeman Grade 'B' on regular basis w.e.f. 16.2.1981. It seems that there was a change of policy by virtue of the letter dated 25.9.1984 under which the ex-cadre posts were not to be continued indefinitely but they came to be converted into tenure ^{- post} and the tenure was only for five years and promotions were not to be granted in the P.C.O. but in the original cadre. As the applicant



came to be promoted to the post of Chargeman Grade 'B' on 19.3.1981 as we have already said, before this change of policy which came about 25.9.1984. The applicant was drawing upto December, 1986 ^{but} Rs.2050/- came to be reduced in January, 1987 to Rs.1700/- as basic pay. The applicant's oral representations proved of no avail and he has therefore approached the Tribunal for aforesaid reliefs.

3. Shri Pai, the learned counsel for the respondents urged that the applicant was refixed on the basis of his own option but no particulars in that respect have been produced along with the written statement, though it was emphasised that the applicant was an employee of the shop floor in the pre-revised scale as on 1.1.1986 and his pay was Rs.530/- in Highly Skilled Grade I and he came to be fixed on Rs.1560/- in the revised scale of Rs.1320-2040 on the strength of his option in revised scale of 1986 as per the recommendations of the 4th Pay Commission. There is no material to show why the applicant was continued to be paid upto December 1986 Rs.2050/- as his pay. Though there was some discussion regarding the payment of special pay in certain Circulars of the respondents, the two pay slips which have been exhibited in Ex. 'C' & 'D' show that the substantive pay of the applicant was Rs.1700/- in January 1987, his gross pay being Rs.2318/- and that in November, 1986 it was Rs.2050/- and Rs.2614.20 respectively. There is no dispute before us that the scales of pay in the original cadre and the Production Control Organisation were identical. If the amount of pay which is shown in the slip did not include special pay, there is no answer to the petitioner's contention that his substantive pay could not have been reduced to Rs.1700/- from Rs.2050/- in any event. ^{No} The correspondence



produced in relation to the seniority of the applicant and there is no reference anywhere in the pleadings of the respondents to the actual pay which the applicant had been drawing and the break-up. In these circumstances, it is difficult for us to accept the respondents' contention that the applicant's pay had been refixed on the basis of certain instructions. Our attention was drawn to the Circular dated 14.8.1987 but this Circular will not justify what came to be done in January, 1987 because the pay for January, 1987 could not have any relevance to the Circular which was issued later. In these circumstances, we see no justification for bringing the pay of the applicant down to Rs.1700/- from Rs.2050/-.

4. In the result, we direct the respondents to restore the pay of the applicant as Rs.2050/- which was paid to him in November, 1986 and pay the arrears on that basis until his superannuation on 31.8.1988 within the period of two months from the date of receipt of a copy of this order by the respondents. The retirement benefits of the applicant shall be calculated on this basis and shall be refixed and paid during the same period.


(N.K.VERMA)
MEMBER (A)

(M.S.DESHPANDE)
VICE CHAIRMAN

mrj.