

(3)

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

Original Application No. 649/89.

Shri M.J.Sontakke.

... Applicant.

V/s.

Co-ordinating Director,
National Airport Authority,
Bombay Airport,
Bombay and 4 others.

... Respondents.

Coram: Hon'ble Member (J), Shri M.B.Mujumdar,
Hon'ble Member (A), Shri M.Y.Priolkar.

Appearances:

Mr.Natarajan, advocate
for the applicant and
Mr.S.R.Atre (for Mr.
P.M.Pradhan) for the
respondents.

Oral Judgment:-

¶ Per Shri M.B.Mujumdar, Member (J) | Dated: 18.12.1989

In 1953 the applicant was appointed as a Junior Clerk in the Civil Aviation Department of the Government of India. In due course he was promoted as Head Clerk and then as Superintendent in ^{January} 1984.

By order dt. 21.5.1984 he was appointed as Assistant Estate Officer on ad hoc basis by transfer on deputation in the office of the Regional Director, Bombay Region, Bombay for a period of 6 months or till the post would be filled, whichever was earlier. That was an ex-cadre post and the period was extended from time to time.

By order dt. 21.2.1989 he was reverted as Superintendent w.e.f. 9.1.1989. However, that order was received by the applicant on 10.3.1989 and the reversion had actually taken place from that date. In other words he is working as Superintendent from that date. By filing this application on 28.9.1989 the applicant has

...2.

challenged his reversion order dt. 21.2.1989. He has also prayed for restraining the respondents from making the recoveries of excess payment from 9.1.1988.

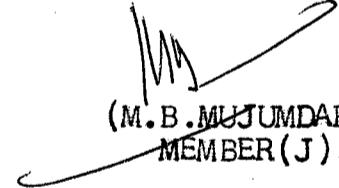
2. Just now we have heard Mr.Natarajan, learned advocate for the applicant and Mr.S.R.Atre (for Mr.P.M. Pradhan) for the respondents regarding admission and interim relief.

3. Mr.Atre showed us an order dt. 26.10.1989 which is passed in supersession of the confidential letter dt. 15.2.1989 on the basis of which the impugned order of reversion dt. 21.2.1989 was passed, conveying the approval of the competent authority to regularisation of appointment of the applicant to the post of Assistant Estate Manager on deputation for one year from 9.1.1988 i.e. upto 8.1.1989. It is mentioned in the letter that if any amount is recovered from the pay of the applicant for the period he worked as Assistant Estate Manager from 9.1.1988 to 8.1.1989, the same be reimbursed to him. In view of the above letter the question regarding making recoveries of over payment to the applicant upto 8.1.1989 does not arise. However, after hearing advocates for both the sides we find that the only point that now survives is whether the applicant is entitled to the salary of the post of Assistant Estate Manager till 10.3.1989 till he worked in that post. According to Mr.Natarajan the applicant worked as Assistant Estate Manager upto 10.3.1989 and hence entitled to the salary of that post till that date. On the contrary, according to Mr.Atre the applicant was relieved of the post of Assistant Estate Manager on 21.2.1989 itself and he did not work in that post after that date. However, the memorandum

dt. 17.4.1989 shows that the applicant had received the salary of the post of Assistant Estate Manager upto 28.2.1989. Of course, it is possible that he might have received salary upto the end of February, 1989 because the pay bill might have been prepared before the impugned order was passed. In these circumstances the only proper order would be to ask the respondents to pay the salary of the post of Assistant Estate Manager to the applicant till he worked in that post. For want of record we are unable to decide the date upto which the applicant worked in that post. Hence we propose to leave this matter to the respondents.

4. In result, we admit the application and direct the respondents to pay to the applicant the salary of the post of Assistant Estate Manager till he actually worked in that post. The application is disposed of accordingly, with no order as to costs.


(M.Y. PRIOLKAR)
MEMBER(A)


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

Judgment dtd. 18.12.89
Sent to parties
on 15.1.90.

