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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6  
PRESCOT ROAD; BOMBAY-1

OA NO. 845/89

G.S. Naik .. Applicant

V/s.

Union of India & Ors. .. Respondents.

Coram: Hon. Shri Justice M S Deshpande, V.C.

ORAL JUDGMENT:

DATED: 22.12.93

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

None present for the applicant.

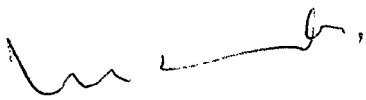
The grievance of the applicant is that he should have been refixed at Rs. 2000/- instead of Rs.1900/- from 1.1.1986 in the revised pay scale by giving the benefit of two additional increments on account of his stagnation in the pre-revised scale of pay in accordance with para 2 of CM dated 17.8.87 and the difference of Rs.2196/- wrongly recovered on 4.11.1987 should be refunded to him and his pensionary benefits should be refixed accordingly.

The applicant is not present to day, but he has sent a communication stating that since all the mistakes have been admitted by the respondents in the written submissions, he may be exempted from appearing before the Tribunal for final hearing today. The reply filed by the respondents shows that the grievance was that the applicant did not wait for reasonable time for enabling the PMG to take action on his representation and he rushed to the Tribunal on 29.11.1989. In the meanwhile action has been taken on his representation and the mistake in the applicant's pay scale has been rectified and communicated the same telegraphically to the Superin-

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tendent of Post Offices, Sindhudurg Division at Malvan on 19.3.90 to rectify the mistake and fix the applicant's pay at Rs.2000/- as against Rs.1900 as was done earlier and that the <sup>revised</sup> pensionary benefits be fixed on the basis fo Rs. 2000/-, and therefore the present application should be dismissed as infructuous.

It is clear that the applicant had made the representation on 17.10.88 and has waited for a reasonable time before making this application. In view of the respondents admission, the respondents are directed to refix the applicant's pay at Rs.2000/- with effect from 1.1.1986, if it is not already done by them, <sup>- and to -</sup> refund to him the difference of Rs. 2196 wrongly recovered on 4.11.87 and fix his retiral pensionary benefits on the basis of refixation of pay due to him. This direction be complied with within a period of two months from the date of receipt of a copy of this order, if not already done. Application disposed of with these directions.

  
(M.S. Deshpande)  
Vice Chairman