

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH.

Original Application No. 681/89

Transfer Application No.

Date of decision 11.11.1993

Shri C.V.Joglekar.

Petitioner

Shri V.S.Yawalkar.

Advocate for the Petitioner

Versus

Union of India & Ors.

Respondent

Shri R.P.Darda.

Advocate for the Respondent(s)

Coram :

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

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

1. Whether the Reporters of local papers may be allowed to see the Judgement?

2. To be referred to the Reporter or not? NO

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? NO

  
(M. S. DESHPANDE)  
VICE-CHAIRMAN

(6)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

BOMBAY BENCH, CAMP AT NAGPUR.

Original Application No.681/89.

Shri C.V.Joglekar.

..... Applicant.

V/s.

Union of India & Ors.

..... Respondents.

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

Appearances:-

Applicant by Shri V.S.Yawalkar.  
Respondents by Shri R.P.Darda.

Oral Judgment:-

¶Per Shri M.S.Deshpande, Vice-Chairman ¶ Dt. 11.11.1993.

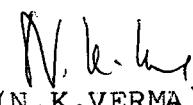
The applicant joined as an U.D.C. on 1.2.1956. He was promoted as Junior Accounts Officer on 22.1.1979 and started drawing pay at Rs.580/- On 28.10.1980 his pay was Rs.600/- His junior Shri M.N.Warhadpande was getting Rs.580/- on 17.9.1979 and Rs.600/- on 17.9.1980. He also came to be promoted on 28.10.1980 and was drawing Rs.660/-. The applicant's grievance is that his pay should have been fixed in the same manner as Shri M.N.Warhadpande. The applicant's grievance is that he should have been given the arrears from 15.2.1983 but was given the arrears from 22.4.1987.

2. Our attention was drawn by Shri R.P.Darda, the learned counsel for the respondents to the Memorandum issued by the Department of Personnel on 15.2.1983 (Annexure - A/3) in which para 4 says that the stepping up should be done with effect from the date of promotion of the junior employee to the higher grade but the actual benefits ~~will~~ would be available from the date of issue of these orders or date of anomaly. The order dt. 22.4.1987 (Annexure A-2)

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by which the applicant's entitlements were fixed shows that the applicant was to get Rs.660/- w.e.f. 28.10.1980 in the pay scale Rs.500-900 i.e. from the date from which Shri M.N.Warhadpande his junior started getting the pay at that stage in relaxation of the provisions contained in Government of India decision No. 10(f) below FR-22C. The applicant was to get the increment from 1.10.1981 if otherwise due and admissible. The ~~respondent~~ applicant, however, placed ~~exception~~ <sup>emphasis on</sup> to the latter portion which says that the order will take effect from the date of issue and no arrears will be payable for the past period. Acting on this the applicant was given arrears only from 22.4.1987. We find that the respondents contention is not well founded because the plain reading of the order dt. 15.2.1983 shows that the benefit should be given from the date of issue of the order dt. 15.2.1983 and not from the date ~~on the basis of which it was~~ 22.4.1987 which erroneously directed the arrears to be paid only after 22.4.1987.

3. The applicant has retired w.e.f. 1.3.1991 and he would be entitled to arrears from 15.2.1983 in the scale of Rs.500-900 on the basis that his pay was Rs.660/- on 28.10.1980. We direct the Respondents to work out the applicant's entitlements and make payment within two months from the date of the receipt of the order by the Respondents. There will be no order as to costs.

  
(N.K.VERMA)  
MEMBER (A)

  
(M.S.DESHPANDE)  
VICE-CHAIRMAN

B.