

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**BOMBAY BENCH**

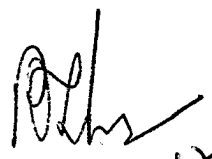
(12)

OPEN COURT / PRE DELIVERY JUDGMENT IN OA 298/89

Hon'ble Vice Chairman / ~~Member (J) / Member (A)~~

may kindly see the above Judgment for

approval / signature

  
~~V.C. / Member (J) / Member (A) (K/S)~~

  
Hon'ble Vice Chairman

Hon'ble Member (J)

Hon'ble Member (A) (K/S)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

12

Original Application No. 298/89

Transfer Application No.

Date of Decision

2.12.97

M.B.Kulkarni

Petitioner/s

Advocate for  
the Petitioners

Versus

Collector of Central Excise, Pune.

Respondent/s

Shri M.I.Sethna

Advocate for  
the Respondents

CORAM :

Hon'ble Shri. Justice R.G.Vaidyanatha, Vice Chairman

Hon'ble Shri. P.P.Srivastava, Member (A)

(1) To be referred to the Reporter or not ?

No

(2) Whether it needs to be circulated to  
other Benches of the Tribunal ?

NO

(P.P.SRIVASTAVA)

MEMBER (A)

(R.G.VAIDYANATHA)

VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI

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BA.NO. 298/89

Presented this the 2nd day of Dec 1997

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman  
Hon'ble Shri P.P.Srivastava, Member (A)

Madhukar Balakrishna Kulkarni  
Plot No. 84/R.S.No.268  
Uchagaon Extension Area  
At & Post Uchagaon  
Taluka : Karveer  
Dist. Kolhapur - 416 005.

... Applicant

V/S.

Collector of Central Excise,  
PMC's Commercial Building,  
Tilak Road, Hira Baug,  
Pune- 411 002.

By Advocate Shri M.I.Sethna  
C.G.S.C.

... Respondents

O R D E R

(Per: Shri P.P.Srivastava, Member(A))

The applicant was working as Inspector in the Central Excise from 1971 in the pay scale of Rs.425-15-500-EB-15-560-20-700-25-800. The applicant was held up at the Efficiency Bar when his pay was Rs.500/- on 1.9.1977. This Bar was continued upto 1980 and was lifted on 1.9.1980. Meanwhile, the scale of the applicant was revised w.e.f. 1.1.1980 to Rs.500-20-700-EB-25-900. When the Efficiency Bar was lifted on 1.9.1980, the pay of the applicant was fixed at Rs.500/- on 1.1.1980

in the new scale. The claim of the applicant is that the applicant should have been fixed at Rs.545/- on 1.1.1980 and Rs.560/- on 1.9.1980.

The respondents have fixed the pay of the applicant at Rs.500/- on 1.1.1980 and at Rs.520/- from 1.9.1980.

Thus, they have proceeded on the basis that when the applicant was allowed to cross the Efficiency Bar at Rs.500/-, he is entitled to one increment from 1.9.1980 and therefore fixed his pay at Rs.520/-

The claim of the applicant is that when his Efficiency Bar is lifted, he should have been fixed at Rs.545/- from 1.1.1980 by allowing him three increments in the original scale of Rs.425-800 where the annual increment was Rs.15/- after the stage of EB at Rs.500/-. The question, therefore, which is to be decided in this OA. is if the applicant is entitled to earn three increments when his Efficiency Bar was lifted in 1980 after three years or he would be entitled to only one increment when the Efficiency Bar was lifted on 1.9.1980.

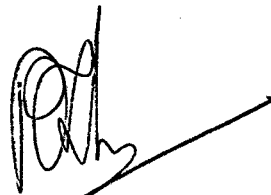
2. It is brought to our notice that this issue was referred to Full Bench in OA.NO.569/91 (Radhakrishna Gangaram Manani vs. Union of India & Ors.). Both the counsels have mentioned that the Full Bench judgement is available and the question has been answered as follows :-

"After the efficiency bar is lifted, the consequence is that the scale/increment is restored to what it would have been, but for the stoppage at the bar."

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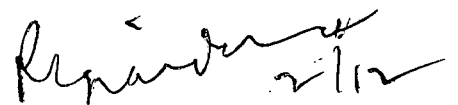
From the above answer it is clear that the applicant would be entitled to fixation of his pay at Rs.545/- on 1.1.1980 and at Rs.560/- on 1.9.1980. The OA. is, therefore, disposed of with the following directions :-

The applicant's pay should be fixed at Rs.560/- from 1.9.1980. As a result of this fixation, the applicant's further pay should be revised. Since the applicant is retired, his settlement should also be worked out on the basis of his this new fixation and settlement dues be revised accordingly. The applicant would be entitled to arrears of payment which would accrue to him as a result of above fixation from 1.9.1980. The arrears should be paid including the settlement dues within a period of six months from the date of this order. There will be no orders as to costs.



(P.P. SRIVASTAVA)

MEMBER (A)



(R.G. VAIDYANATHA)

VICE CHAIRMAN

mrj.