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CAT/3/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~NEW DELHI~~
NEW BOMBAY BENCH

O.A. No. 264/89 198
~~XXXXXX~~

DATE OF DECISION 16.6.1989

Shri S.P.Vijan & others. Petitioners

Shri S.R.Atre Advocate for the Petitioner(s)

Versus

Union of India and others Respondent s

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P.S.Chaudhuri, Member (A)

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
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?

Yes
} No.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400 614

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OA.NO. 264/89

Shri S.P.Vijan & 16 others

C/o Shri S.R.Atre
Advocate,
Block No. 15, 1st floor,
Pehalajrai Building,
Lohar Lane, Chendani,
Thane-400 601.

... Applicants

V/S.

1. The Union of India through
the Director General,
Department of Posts,
New Delhi 110 001.

2. The Postmaster General,
Maharashtra Circle, GPO,
Bombay 400 001.

... Respondents

CORAM: Hon'ble Member (A) Shri P.S.Chaudhuri

Appearances:

Shri S.R.Atre
Advocate
for the Applicants

Shri R.H.Khirode
Assistant Superintendent
of Post Offices for the
Respondents.

ORAL JUDGMENT

Dated: 16.6.1989

(PER: P.S.Chaudhuri, Member (A))

This application was filed on 3.4.1989 under Section 19 of the Administrative Tribunals Act, 1985. In it, the applicants pray for a direction to the respondents to fix the pay of the applicants on their promotion to the Lower Selection Grade by taking into account the special pay drawn by the applicants in their earlier posts, namely, Upper Division Clerk, notionally w.e.f. the date of the applicants' actual promotion and to grant them the actual benefit w.e.f. 1.9.1985. The application, therefore, relates to fixation of pay and thus come within the jurisdiction of a Single Member Bench in terms of the Chairman, Central Administrative Tribunals' order dated 21.3.1988.

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2. Today, I heard Mr.S.R.Atre for the applicants and Mr.R.H.Khirode, Assistant Superintendent of Post Offices in the Office of Respondent No. 2.

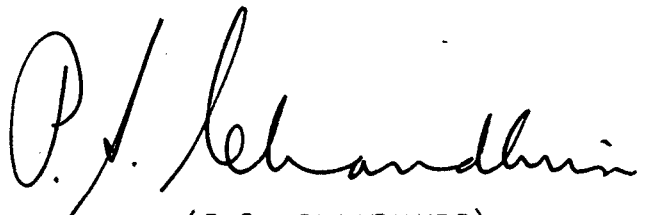
3. The respondents filed a copy of the Ministry of Finance, Department of Expenditure's Office Memorandum dated 22.5.1989. The relevant extract of this is reproduced below :-

"President is now pleased to decide that pay of those Upper Division Clerks who were drawing special pay of Rs.35/- in terms of this Ministry's O.M.No. 7(52)/E.III/78 dtd 5.5.79 and promoted to higher posts prior to 1.9.1985 and who fulfil the conditions mentioned in this Ministry's O.M.No. 7(35)/E. III/87 dtd the 1st Sept. 1987, may be refixed on notional basis from the date of their promotion by taking special pay of Rs.35/- into account and actual benefit may be allowed to them only from 1.9.1985 without payment of any arrears."

It was the respondents' contention that with the issue of this letter the application no longer survives.

4. Mr. S.R.Atre prayed for permission to withdraw the application.

5. The application is accordingly disposed of as withdrawn. In the circumstances of the case, there will be no order as to costs.



(P.S. CHAUDHURI)

MEMBER (A)