

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 204/89

199

T.A. NO:

DATE OF DECISION 27.9.1991

Shri J.B.Patil & Ors.

Petitioner

Shri G.S.Walia

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Shri M.I.Sethna.

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice U.C.Srivastava, Vice-Chairman,

The Hon'ble Mr. A.B.Gorthi, Member(A).

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 ?

U
(U.C.SRIVASTAVA)
VICE-CHAIRMAN.

mbm*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY.

Original Application No.204/89.

Shri J.B.Patil & Ors.

... Applicants.

V/s.

Union of India & Anr.

... Respondents.

Coram: Hon'ble Shri Justice U.C.Srivastava, Vice-Chairman,
Hon'ble Shri A.B.Gorthi, Member(A).

Appearances:-

Applicant by Mr.G.S.Walia.
Respondents by Mr.M.I.Sethna.

Oral Judgment:-

(Per Shri Justice U.C.Srivastava, Vice-Chairman) Dt. 27.9.1991.

The applicants who were appointed as Electricians between 1974-79 in the Instrumentation Division in Central Water and Power Research Station (C.W.P.R.S.) were entitled for the promotion in the pay scale of Rs.380-640, which earlier was 180-380. It is not necessary to refer to various details. Suffice it to say that the Third Pay Commission made a recommendation which was accepted by the Government of India that the persons placed in the particular category claimed by the applicants are to get the pay scale of Rs.425-700 from 1.1.1973. But this pay scale was not given to the applicants.. The applicants claim that they have been making representations against the same and even that thereafter the IVth Pay Commission intervened, it was not in their favour. But their representation has not been disposed of and the pay scale which they have been claiming by saying that similarly placed persons were given the said benefit but not to them. The respondents apart from taking other pleas in the application have pleaded that the application is barred by time since the applicants claim for the benefit is from 1979 and this was done after the Expert Committee's Report. The expert committee

(G)

after taking into consideration all the cases recommended that the applicants may also be given pay scale but so far as they are concerned they are similarly placed and they can get only from the year 1979. We are not satisfied with the plea of limitation raised before us in view of the inaction on the part of the respondents. The applicants had preferred a representation against the same and the departmental officials had also made certain recommendations in their favour which have been placed before us, even in the year 1986 or 1988. But the representations were not disposed of. When the applicants preferred their representations after 1979 the respondents could have disposed it of either by agreeing or disagreeing, partially agreeing or partially disagreeing, but the same has not been done and accordingly we direct the respondents to dispose of the representations of the applicants claiming pay scales w.e.f. 1.1.1973 instead of 1979 like others within a period of three months from the date of communication of this order taking into consideration the plea raised by the applicants on the recommendations which have been made by the departmental authorities. The application is accordingly disposed of finally, but without any order as to costs.

transcript

(A.B.GORTHI)
MEMBER (A)

U
(U.C.SRIVASTAVA)
VICE-CHAIRMAN.

B.S.M.