

Draft

CENTRAL ADMINISTRATIVE TRIBUNAL  
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 1011 /1996

Date of Decision: 27/6/97

Shri Ramesh D Kabadi

Petitioner/s

Shri D.V.Gangal

Advocate for the  
Petitioner/s

V/s.

Union of India & 2 Ors.

Respondent/s

Shri Suresh Kumar

Advocate for the  
Respondent/s

CORAM:

Hon'ble Shri B.S.Hegde, Member(J).

Hon'ble Shri

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to other Benches of the Tribunal ?

abp.

  
(B.S. HEGDE)  
MEMBER(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GULESTAN BLEG, NO. 6, PRESCOT RD, 4TH FLR,

MUMBAI - 400 001.

ORIGINAL APPLICATION NO: 1011/96.

DATED THIS 27TH DAY OF JUNE, 1997.

CORAM : Hon'ble Shri B.S.Hegde, Member (J).

Ramesh D Kabadi,  
Mukkam-Katiwadi,  
P.O.Vasind, C.Rly.  
Via Kalyan,  
Dist. Thane.

... Applicant.

By Advocate Shri D.V.Gangal.

V/s.

1. Union of India,  
Through  
The General Manager,  
Central Railway.  
C.S.Terminus,  
Mumbai - 400 001.
2. The Chief Medical Director,  
Central Railway.  
C.S.Terminus,  
Mumbai - 400 001.
3. Financial Adviser & Chief Account Officer,  
Central Railway.  
C.S.Terminus,  
Mumbai - 400 001.

... Respondents.

By Advocate Shri Suresh Kumar.

I O R D E R X

[ Per Shri B.S.Hegde, Member (J) ]

Learned Counsel for applicant drew my attention to the earlier decision of the Tribunal dated 29/7/94 wherein it states in para-4

"that the applicant should be trade tested for assessing the suitability and the vacancy should be filled by appointing him. By the order dated 31/7/85, Annexure-II, the applicant had taken charge of the post of projectionist in the grade Rs.260-400 on ad hoc basis with effect from 31/7/1985."

2. After hearing the learned counsel for parties, the Tribunal has held that one

"applicant should have approached the Tribunal

*MS*

within one year and he cannot claim any actual monetary benefits prior to the period of one year before filing of the application. The present application was filed on 25/1/89 and the relief that can be granted to the applicant would be only from 25/1/1988. The applicant has retired on 3/2/1988. We direct the respondents to notionally grant to the applicant the pay scale of Rs.330-560 in lieu of Rs.260-400 and give him the benefit of that scale from 25/1/1988 onwards."

3. The Learned Counsel for applicant submits that the applicant has been working as Projectionist from 31/7/1985 and that he should be given the benefit from 31/7/1985 onwards. The Tribunal has restricted the monetary benefit from 25/1/88 only as the applicant should have approached the Tribunal within one year and he file the OA only on 25/1/89.

4. However, the respondents in their reply stated that at the time of retirement of the applicant the applicant's basic pay was Rs.1010/-. However he was given the benefit as per the order of Tribunal and basic pay of the applicant was fixed at Rs.1200/-p.m. w.e.f. 25/1/88. The contention of the applicant that he entitled to fixation of Rs.1260/- instead of Rs.1200/- has not been elaborately explained. The very purpose of giving notional benefit is that the increments should be given from 1985 onwards. Though in our view, he should be given notional benefits, his pay should be fixed treating the increments only from 1985 onwards. Thereby the increment be considered for the purpose of notional benefits.

5. The matter is disposed of with above direction. The order to be complied with within a period of six months. There will be no orders as to costs.

abp.

  
(B. S. HEGDE)  
MEMBER (J)