

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO. : 519/96

Date of Decision : 18.10.2001

A.D.Sharma Applicant

Shri S.P.Saxena Advocate for the
Applicant.

VERSUS

Union of India & Ors. Respondents

Shri R.K.Shetty Advocate for the
Respondents

CORAM :

The Hon'ble Shri S.L.Jain, Member (J)

The Hon'ble Shri V.K.Majotra, Member (A)

- (i) To be referred to the reporter or not ?
- (ii) Whether it needs to be circulated to other
Benches of the Tribunal ?
- (iii) Library

} No.

f.gm -
(S.L.JAIN)
MEMBER (J)

mrj.

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.519/96

Thursday this the 18th day of October,2001.

CORAM : Hon'ble Shri S.L.Jain, Member (J)

Hon'ble Shri V.K.Majotra, Member (A)

Anilkumar Dunichand Sharma,
Supervisor B/S Grade-I,
Office of Garrison Engineer (South),
Pune.

...Applicant

By Advocate Shri S.P.Saxena

vs.

1. The Union of india
through the Secretary,
Ministry of Defence,
DHQ PO, New Delhi.
2. The Chief Engineer,
Southern Command,
Pune.
3. The Chief Engineer,
Northern Command,
Udhampur.
4. The Garrison Engineer,
Akhnoor, Dist. Jammu.
5. The Controller of Defence
Accounts, Meerut, U.P.
6. The Controller of Defence
Accounts, Southern Command,
Pune.
7. The Pay & Accounts Officer
(ORS) B.E.G., Roorkee (U.P.).
8. The Garrison Engineer (South),
Pune.

...Respondents

By Advocate Shri R.K.Shetty

P. V. M.

..2/-

O R D E R (ORAL)

{Per : Shri S.L.Jain, Member (J)}

This is an application under Section 19 of the Administrative Tribunals Act, 1985 seeking the reliefs as under :-

"8 (a) to direct the respondents to fix up the pay of the applicant in the grade of Supervisor B/S Grade-II and Supervisor B/S Grade-I since 1.1.1986,

(b) to direct the respondents to calculate the arrears of difference of pay and allowance due to above said pay fixation and pay the same to the applicant,

(c) to direct the respondents to consider the case of the applicant to cross EB in the prescribed scale of pay when the same becomes due after fixation of pay is done,

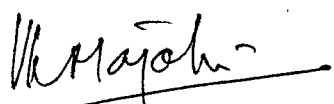
(d) to award interest on the arrears of pay and allowances at the rate of 18% per annum for the period, such arrears became due and are actually paid to the applicant,

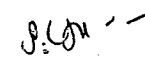
(e) to award cost of application."

2. After hearing the arguments of learned counsel for both the sides, the grievance as being pointed out by the applicant's counsel is that applicant was entitled to draw salary at the rate of Rs.1700/- p.m. on 1.4.1990 and he continued to draw the same salary till 31.12.1991 as mentioned in the written statement dated 9.1.1997. On this submission, the respondents submitted the detailed chart according to which the amount has been paid. We are satisfied on perusal of the same that the mistake was corrected by the respondents. Applicant was provided with an increment on 1.4.1991 and thereafter on each 1st April of the year and the amount has been paid accordingly.

S. V. M. - ..3/-

3. There is dispute about the interest. The applicant claims that he is entitled to interest while the respondents claim that the applicant has drawn more amount than entitled and hence the respondents are also entitled to interest. For the said purpose the calculation has been made and rate of interest is 12% compounded yearly. We do not enter in the said area and only observe that as per the statement, entitlement of the applicant and the amount paid vide Exhibit-'R-23', 'R-24', the interest be calculated. The applicant is entitled to point out any clerical or Arthmetical mistake to the respondents in calculation of interest. After calculation accordingly, if any grievance remains, both the parties are free to agitate the matter in accordance with law. For that purpose, the respondents shall supply to the applicant the statement according to which the interest is being calculated and after supply of the same, the applicant shall represent the matter before the respondents within two months and the respondents shall decide his representation by a speaking order within a period of two months. Even thereafter any of the parties has any grievance, they are free to agitate the matter in accordance with law. No order as to costs.


(V.K. MAJOTRA) 18.10.01
MEMBER (A)


(S.L. JAIN)
MEMBER (J)