

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO. 848 OF 99

MONDAY, THE 26TH DAY OF FEBRUARY, 2001

SHRI JUSTICE ASHOK AGARWAL.
SMT. SHANTA SHASTRY.

... CHAIRMAN
... MEMBER (A)

1. Shri V.K. Shinde,
Honorary Divisional Secretary,
N.U.P.E., Mumbai Sorting Division,
Mumbai.
2. Gurjaru Arjun Sukuru.
3. Chandrakant Dhondu Tatkari.
4. Santosh Shivram Kadam.
5. Harikant Vithal Sale.
6. Suresh Sarjerao Shalke.
7. Ganpat Hariba Dhole.
8. Elise Patwaj Shaikh Musa Beniwali.
9. Habib Bichhapa Gawali.
10. Waman Sitaram patil.
11. Bhikaji Vithal Nivave.
12. Hiranman Laxman Shirke.
13. S.A.L. Hatodkar.
14. Mahendra Vithal Doke.
15. Bharat Laxman ~~Shirke~~ Jangale
16. P.Y. Dubad.
17. Ganpat Tukaram Pawar.
18. Suryakant D. Shirke.
19. Jaganath Raghunath Tambe.
20. Ganesh Narayan Dalvi.
21. Tukaram Ram. Navale.
22. Parshuram Krushna More.
23. Rajaram Jag. Nagayan Ram.

Connected by orders dt 6/6/01 n/h/sib
DR

24. Tukaram Tamaji Mutke.
25. Dyaneshwar Panduran Salukhe.
26. Goutam Dhondu Maghade.
27. Vaibhav Mohan Chavan.
28. Arvind Gangaram jangam.
29. Dashrath Ratnoji Sawant.
30. Jagannath Annasaheb Dal.
31. Rabindra Kumar Mohamt.
32. Sanjan Chandrkant Walanju.
33. Vijay Sripatha Lotakar.
34. Manendra Madan Mayekar.
35. Anant Biku Kosale.
36. Pravin K. Lakhan.
37. Ashok P. Samgaonkar.
38. Anand Shamrao Patil.
39. Sanjay V. Palande.
40. Sanjay Tulsidas Hindklekar.
41. Shamsshuddin Rajjak Patel.
42. Baban Sakharam Paste.
43. Anil Hari Tambe.
44. Vijay Shankar Ghadi.
45. Siddharth Nivruti Kamble.
46. Uttam Tukaram Jadhav.
47. Prakash Balkrishna Gangam.
48. Shashikant Pandurang Walgade.
49. Krishna Dhondu More.
50. Prakash Jayram Kadam.
51. Nirulal Narayan pancholi.
52. Dhanji Danu Rathod.
53. Atmaram Keshav Tulaskar.



54. Atmaram Mahadeo Saitwadekar.
55. Shantaram Bhimaji Mahabare.
56. Sudhir Dattaram Tambe. ... Applicants

All are working as Mailman/ Mail Guard, C/o Shri S.P. Kulkarni, Advocate, Gunjan, Wadwali Section, Beyond Holar Society at Ambarnath, Dist. Thane-421 501.

By Advocate Shri S.P. Kulkarni.

Vs.

Union of India through

1. The Director General Posts,
New Delhi, Sanchar Bhawan,
New Delhi-110 001.
2. The Chief Postmaster General,
Maharashtra Circle, G.P.O. Building,
Mumbai-400 001.
3. Senior Superintendent of Railway
Mail Services, Mumbai Sorting Division,
Development Bank Building,
Near Crawford Market,
Mumbai-400 001.
4. Senior Superintendent of Railway
Mail Services,
"L" Division. Bhusawal,
District-Nashik.
5. Senior Superintendent of
Railway Mail Services,
Central Sorting Division,
Dadar, Mumbai-400 001. ... Respondents

By A.C.G.S.C. Shri V.S. Masurkar.

O R D E R


Shri Justice Ashok Agarwal. ... Chairman


In this OA it is contended that the case is covered by a decision of Hyderabad Bench of this Tribunal in the case of K. Rajiah & another Vs. UOI and another in OA 1051/98 decided on 10th February, 2000. ~~By the order of 28th January, 98 which is based on reduction of pay scales of the applicants herein the filed this OA for quashing and setting aside.~~ Shri Kulkarni, the

learned counsel appearing on behalf of the applicants, on taking instructions from his clients, who are present in the court, makes ^{a statement} ~~the submission~~ that the aforesaid order of the Hyderabad Bench has been implemented and the pay scales of the applicants therein have been restored. In view of this submission, we find that the present OA is also liable to be allowed in terms of prayers made in caluse 8 ~~(a)~~, (b) and (c), which are in the following terms.

- a) This Hon'ble Tribunal ~~be~~ directed to call ~~for~~ records relevant to the matter for perusal;
- b) Hold and declare reduction of Pay and allowances (actually) on regularisation in terms of Order No. A3 (b) dated 28.1.98 from Department of Posts, New Delhi as arbitrary and illegal in terms of FR & SR Provisions (Exh. A5)
- b) Direct Respondents to restore Pay and Allowances drawn hereto before.

We order accordingly. It goes without saying, in case if any recovery has been made in pursuance of the order of reduction of pay scales, the same shall be refunded. OA ^{is allowed &} ~~disposed of~~ in above terms. No order as to costs.


(SHANTA SHASTRY)
MEMBER (A)


(ASHOK AGARWAL)
CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Contempt Petition No.18/2002
in
Original Application No.848/99

Dated this Friday the 22nd Day of March, 2002.

Coram : Hon'ble Shri S.L. Jain, Member (J)
Hon'ble Smt. Shanta Shastry, Member (A)

Shri V.K. Shinde,
Hon. Divisional Secretary,
N.U.P.E.,
Mumbai Sorting Division. .. Applicant.

(By Advocate Shri S.P. Kulkarni)

Versus

1. Shri D.S. Bhalchandra,
Chief Postmaster General,
Maharashtra Circle,
Old G.P.O. Building,
2nd Floor, Fort,
(near CST Central Rly.),
P.O. Mumbai G.P.O.-400001.
2. Shri N.V. Sutar,
Assistant Director-Postal
Services, Office of C.P.M.G.,
G.P.O. Compound,
Near C.S.T. Central Railway,
Fort, P.O., Mumbai-400001. .. Respondents.

(By Advocate Ms. H.P. Shah)

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

Learned Counsel for the Respondents has submitted reply. On perusal of reply, we find that Order of this Tribunal has been complied with, though there is a delay in complying the order. We find that there is no wilful delay in complying the order. We are of the opinion that the time taken by the respondents for compliance of the said order, is not unreasonably long. As such there is

S. (Shinde)

...2..

no wilful disobedience. C.P. stands dismissed. Notices issued to the respondents stands discharged. No order as to costs.

Shanta J
(Smt. Shanta Shastry)
Member (A)

S.L. Jain
(S.L. Jain)
Member (J).

H.

dt 22.3.2002
order/~~Judgment~~ despatched
to Applicant/Respondent (s)
on *5.4.2002*

SL
8/4

Received Affidavit
on behalf of the
Res NO.2 to CP
NO 18/2002, recd
on 22.3.2002 (at
~~17 hrs~~ 17.00 hrs)
C.P stands dismissed
dt 22.3.2002, hence
Affidavit is not
taken on record
Kept in 'c' folder

MB