

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 678/1999

DATE OF DECISION: 12/07/2001

Shri M.N.Nair

Applicant

Shri K.B.Talreja

Advocate for
Applicant.

Versus

Union of India & Anr.

Respondents.

Shri V.D.Vadhavkar

Advocate for
Respondents.

Coram:

Hon'ble Smt. Shanta Shastry, Member(A).

1. To be referred to the Reporter or not?
2. Whether it needs to be circulated to other Benches of the Tribunal?
3. Library.

Shanta S
(SHANTA SHAstry)

MEMBER(A)

abp

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:678/1999
DATED THE 12th DAY OF JULY. 2001**

CORAM: HON'BLE SMT.SHANTA SHAstry, MEMBER(A)

Shri M.N.Nair,
Ex.Foreman(Diesel),
Under D.R.M.,
Central Railway(Electrical),
Mumbai CST.

... Applicant

By Advocate Shri K.B.Talreja

V/s.

1. The Union of India,
Through the General Manager,
Central Railway,
Mumbai CST.
2. The Divisional Railway Manager,
Central Railway,
Mumbai CST.

... Respondents

By Advocate Shri V.D.Vadhavkar

(ORDER)

Per Smt.Shanta Shastry, Member(A)

The main prayer of the applicant in this OA is to direct the respondents to draw yearly increments from 1986 onwards after revocation of suspension and fix the applicant's retiral benefits including pension and pensionary benefits after correct fixation of his basic pay/grade etc and to pay interest @ 18% for the delay payment of retiral benefits/pensionary benefits.

2. The applicant was put under suspension from 26/6/86. The applicant was awarded penalty of reduction to the lower stage in timescale from Rs.2525/- to the stage of Rs.2375/- in the grade of Rs.2000-3200 for a period of one year from 21/4/87 without cummulative effect vide order dated 21/4/87. This punishment was

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extended for a period of further two years w.e.f. 21/4/88 with cummulative effect vide letter dated 17/9/87 as a result of another enquiry. The suspension of the applicant was revoked w.e.f. 18/9/87 vide letter dated 14/11/94. The applicant had approached this Tribunal in OA 252/94 praying for revocation of the suspension order. The Tribunal directed the respondents to revoke the suspension order w.e.f. 26/6/86. The consequential pecuniary benefits were to flow from these orders and were to be paid to the applicant within two months. The applicant also filed a Contempt Petition No.24/95. He had also filed Review Application NO.55/95 which was disposed of on the ground that the respondents had already implemented the order of the Tribunal. The Contempt Petition also was dismissed as being without merits. However, while dismissing the contempt petition, it was observed that the order issued in compliance of the Tribunal's order by the respondents may not be to the liking of the applicant and the applicant may feel aggrieved by the same. In such an event, it gives fresh cause of action for seeking legal remedy if so desired. In the light of this observation of the Tribunal, the applicant has filed the present OA.

3. It is the contention of the applicant that though he has been awarded provisional pension, yearly increments, upgradation, restructuring of the grades have not been awarded to him. According to the applicant he made several representations but all in vain.

4. In order to ascertain the correct position, both the applicant and the respondents were directed to prepare and submit a statement giving details regarding the payments made and

received on the basis of the information available with them. Accordingly, the respondents have filed a written statement, the applicant has also produced a statement of Basic pay due to him from 1986 to 1994.

5. The applicant is pressing only for the increment and the interest thereon due to delayed payment. It is seen from the written statement of the respondents dated 27/4/2001 that the applicant's pay has been fixed at Rs.2375/- in the grade of Rs.2000-3200 as on 21/4/88. However, no increments were paid till 21/4/90 as the penalty imposed on the applicant was in operation. Thus, he became eligible for payment of increments only as on 21/4/90. Accordingly having worked out the increments from 21/4/90 to 31/12/94, when the applicant retired, the applicant's pay for pension was fixed at Rs.2675/-. It shows that the respondents did take into consideration the increments earned by the applicant from the period 1990 to 1994. However, it is not at all clear as to whether the difference in pay after adding increments from 21/4/90 was released to the applicant. Not much light could be thrown as to whether the increments had actually been paid to the applicant for this period.

6. In my considered view, therefore the needs of justice will be met if the respondents are directed to pay the increased salary amount on account of increments due 21/4/90 till 31/12/94 i.e. the date of retirement of the applicant if not already paid. Also interest shall be paid @ 12% from 14/12/94 till ^{from h} _{date of h} actual release of amount. This be complied with within a period of two months from the date of receipt of copy of this order. The OA is allowed accordingly with no order as to costs.

Shanta J-
(SHANTA SHAstry)
MEMBER(A)

abp

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

REVIEW PETITION NO. 50/2001
IN
ORIGINAL APPLICATION NO.678/99

WEDNESDAY, THE 3RD DAY OF OCTOBER, 2001

CORAM: SMT. SHANTA SHAstry. MEMBER (A)

Union of India through
General manager,
Central Railway,
Mumbai CST & another. Review Petitioners

By Advocate Shri V.d. Vadhavkar.

Versus

Shri M.N. Nair,
Ex Foreman (Diesel),
Under DRM C.Rly (Electrical),
Mumbai CST. Respondent

O R D E R (BY CIRCULATION)

This review application has been filed against the order dated 12th July, 2001 in OA No.678/99.

2. I have prused the grounds taken in the Review Petition. In my considered view, there is no error apparent on the face of the record. No fresh grounds have been advanced by the review petitioners, which were not already there before me during the course of the hearing.

3. In view of this position, according to me, no review is called for. Accordingly, this review petition is rejected.

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(SMT. SHANTA SHAstry)

MEMBER (A)