

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBI BENCH 1999 Bank 8
ORIGINAL APPLICATION NO:409/2001
DATED THE 16TH DAY OF DECEMBER, 2002

**CORAM: HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE SMT. SHANTA SHAstry, MEMBER(A)**

1. Shri P.M.Dhuri, Daftry
2. Shri S.G.Kamble, Daftry
3. Shri H.S.Ijagajji, Daftry
4. Shri J.N.Bhoi, Daftry
5. Shri M.H.Bhosale, Daftry
6. Shri M.S.Gaikwad, Daftry
7. Shri P.L.Gawade, Daftry

... Applicants

All working in the office of
Commander Works Engineers (Subs),
Powai Bhandup PO,
Mumbai 400 078.

By Advocate Ms. Supriya Daware
for Shri Suresh Kumar

V/s.

1. Union of India, through
The Secretary,
Ministry of Defence,
North Block,
New Delhi
2. Dakashin Kaman Mukhyalaya,
Engineering Shakha,
Headquarters Southern Command,
Engineers Branch,
Pune - 411 001.
3. Commander Works Engineers (Subs),
Powai Bhandup PO,
Mumbai 400 078.

... Respondents

By Advocate Shri R.R.Shetty

ORAL ORDER

Per Hon'ble Shri A.V.Haridasan, Vice Chairman

The applicants 7 in number who were recruited as peon on completion of 12 years of service were given in situ promotion by order dated 16/4/1997 with effect from different dates during

...2.

1996. Their grievance is that on implementation of the recommendations of the 5th Central Pay Commission, their pay has been fixed by an order dated Annexure A-1 as if they were fixed in the grade of peon ignoring the promotion as Daftry in situ. This action has been taken without giving them any notice. Therefore the applicants have filed this application challenging the order at Annexure A-1.

2. The respondents in their reply statement stated that their above action is on the ground that the applicants have been promoted in situ after 1/1/1996 and as on 1/1/1996 the applicant has not reached the maximum in the revised payscale of peon they are not entitled for their pay to be fixed in the cadre of Daftry.

3. The applicant's counsel submitted that the OA may be disposed of permitting the applicants to make a representation setting out their grievance to the respondent no.2 and directing respondent no.2 to consider and dispose the representation in accordance with rules and instructions on the subject. The Counsel for the respondents also agrees with the same.

4. In the light of what is stated above, the applicants are permitted to make a detailed representation within a period of one month from today to the second respondent to consider and dispose of the same in accordance with law within two months from the date of receipt of the representations.

5. OA is disposed of with above directions. No costs.

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(SMT.SHANTA SHAstry)
MEMBER(A)

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(A.V.HARIDASAN)
VICE CHAIRMAN