

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

CP NO.102/2001 IN  
OA. NO.412/2000

25/1/2002

This Tribunal by judgement dated 23/2/2001 in OA No.412/2000: N.L.Sharma V/s. Union of India, held that:

"As far as the claim for enhanced special compensatory allowance is concerned, applicants have submitted representations of 9/2/1998 and 9/9/1998 (Annexure A-4). No decision thereon yet has been taken. In the circumstances, we find that the ends of justice will be met by disposing of the present OA with a direction to the respondents to take a decision on the aforesaid representations and communicate the same to the applicants expeditiously and within a period of six months from the date of service of this order."

2. When the applicant did not receive any information in respect of disposal of representation, he moved the CP.

3. From the reply filed by respondent no.2, Air Marshall A.K.Trikha we find from Exhibit AF-1 dated 18/1/2002 filed with reply together with a letter dated 16/1/2002 by Officiating Director for Deputy Chief of Army Staff, Dte General Military Training, Army Headquarters, New Delhi addressed to Commandant, NDA, Khadakwasla, it appears that the representations were considered and direction of judgement stands complied with.

4. The learned counsel for applicant argued that decision appears to have been taken after filing of CP and issue of notice. The very purpose of giving direction was that the representations in respect of claim of applicant be considered by respondents and if the representation stood decided, and bonafide of respondents are examined then there is no wilful disobedience of the order. Thus, the CP is dismissed.

Kanta J

(SMT.SHANTA SHAstry)  
MEMBER(A)

B. Dikshit  
(BIRENDRA DIKSHIT)  
VICE CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.412/2000.

Dated: 23.2.2001

Coram: Hon'ble Justice Shri Ashok Agarwal, Chairman,  
Hon'ble Shri B.N.Bahadur, Member (A).

- 01) Dr. N.L.Sharma,  
Sr. Lecturer.
- 02) Dr. A.N.Shrivastava,  
Reader.
- 03) R.A.Malekar,  
Lecturer (ad-hoc).
- 04) R.K.Bansal,  
Lecturer (ad-hoc)
- 05) A.K.Singh,  
Lecturer (Ad-hoc).
- 06) A.P.Hiwarekar,  
Lecturer (ad-hoc).
- 07) S.P.Dwivedi,  
Reader.
- 08) S.P.Shettar,  
Reader.
- 09) S.N.Maitrar,  
Reader.
- 10) Dr.A.B.Rao,  
Reader.
- 11) R.N.Mehta,  
Lecturer (ad-hoc).
- 12) S.Rajshekhar,  
Reader.
- 13) Mrs.R.S.Shinkar,  
Lecturer (ad-hoc).
- 14) Ms.Jyoti Desai,  
Lecturer (ad-hoc).
- 15) Dr.R.P.Rai,  
Sr. Lecturer.
- 16) Dr.B.C.Shrivastava,  
Reader.
- 17) Dr. V.B.Singh,  
Reader.

18) Dr.R.L.Kothari,  
Reader.

19) Dr. K.Muralidhar,  
Sr. Lecturer.

20) Dr. V.C.Mishra,  
Reader.

21) Dr.M.V.Bade,  
Lecturer.

22) Dr. S.E.Ali,  
Reader.

23) Dr.J.K.Mehta,  
Reader.

24) Surjit Singh,  
Reader.

25) Dr.A.Pandey,  
Reader.  
(All the applicants are  
working at N.D.A.  
Khadakwasla,  
Poona - 23.  
(By Advocate Shri S.P.Saxena)

...Applicants.

Vs.

1. Union of India through  
the Secretary,  
Ministry of Defence,  
DHQ, PO,  
New Delhi - 110 011.

2. The Director General  
of Military Training,  
Army Headquarters,  
New Delhi - 110 011.

3. The Commandent,  
National Defence Academy,  
Khadakwasla,  
Pune - 411 023.  
(By Advocate Shri R.K.Shetty)

...Respondents.

: O R D E R (ORAL) :

{Per Justice Shri Ashok Agarwal, Chairman}

Heard Shri S.P.Saxena, learned advocate on behalf of the



...3.

applicants and Shri R.R.Shetty for Shri R.K.Shetty, learned advocate on behalf of the respondents.

2. Applicants have come up seeking the following among other reliefs, others being of consequential in nature :

"(b) to direct the Respondents to fix the pay of the Applicants in the revised U.G.C. scales of pay without any modification in effect from 01.01.1996 and in terms of Govt. order dt. 2.4.1993, 27.7.1998 and 6.11.1998.

(c) to direct the Respondents to calculate the difference of pay and allowances on revision of their basic pay, and pay the arrears to the Applicants within reasonable period of time, along with interest @ 12% p.a.

(d) to direct Respondents No.1 to enhance the Special Compensatory allowance as recommended by Fifth Pay Commission w.e.f. 1.1.1996 and pay arrears of the same to the applicants."

As far as prayer clause (b) and (c) are concerned Shri Shetty, the learned advocate appearing on behalf of the Respondents has brought to our notice an order passed by the Government of India, Ministry of Defence on 19.12.2000 whereby UGC scales which have been recommended by the UGC have been made applicable to the Civilian Teaching Staff of the NDA, Khadakwasla, as also Army Cadet College Wing Indian Military Academy, Dehradun. Aforesaid order, therefore, takes care of prayer clause (b) and (c). As far as prayer clause (d) is concerned, the aforesaid order vide para 5 directs as under:

"NDA Special Allowance:- The civilian teaching staff at the NDA will continue to receive the special compensatory allowance hitherto admissible to them as may be revised from time to time."

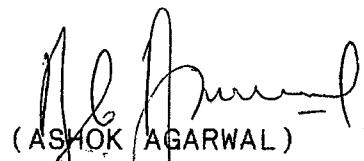


The aforesaid order will, therefore, take care of the NDA Special Allowance to the extent the same is being paid at present. As far as the claim for enhanced Special Compensatory Allowance is concerned, applicants have submitted representations of 9.2.1998 and 9.9.1998 (Annexure - A-4). No decision thereon has yet been taken. In the circumstances, we find that ends of justice will be met by disposing of the present OA with a direction to the Respondents to take a decision on the aforesaid representations and communicate the same to the applicants expeditiously and within a period of six months from the date of the service of this order. No order as to costs.

B.N.Bahadur

(B.N.BAHADUR)

MEMBER (A)



(ASHOK AGARWAL)

CHAIRMAN

B.