

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:712/2000

DATE OF DECISION: 30.1.2001.

Shri. A. Narasimhamurthy Applicant.

Shri S.P. Saxena Advocate for
Applicant.

Versus

Union of India and others. Respondents.

Shri R.R. Shetty for Shri R.K. Shetty. Advocate for
Respondents

CORAM

Hon'ble Shri B.N. Bahadur, Member (J)

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

(1) To be referred to the Reporter or not? *No*

(2) Whether it needs to be circulated to
other Benches of the Tribunal? *No*

(3) Library. *No*

B.N.
(B.N. Bahadur)
Member (A)

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO: 712/2000

TUESDAY the 30th day of JANUARY 2001.

A.Narasimhamurthy
Superintending Engineer(SG)
Office of Chief Engineer(Navy)
26, Assaye Building, Colaba
Mumbai.

...Applicant.

By Advocate Shri S.P.Saxena.

V/s

1. The Union of India through
The Secretary,
Ministry of Defence
DHQ P.O. New Delhi.
2. The Engineer-in-Chief,
Army Headquarters,
Kashmir House, New Delhi.
3. The Chief Engineer(Air Force)
No.2, Defence Camp Area,
M.E.S.Road, Yeshwanthpur,
Bangalore.
4. The Chief Engineer (Navy)
Mumbai, 26, Assaye Building,
Colaba, Bombay.
5. The Principal Admn.Officer,
Central Record Office (O)
C/o The Chief Engineer,
Delhi Zone, Delhi Cantonment,
New Delhi.

...Respondents.

By Advocate Shri R.R. Shetty for Shri R.K. Shetty.

O R D E R (ORAL)

{Per Shri B.N. Bahadur, Member (J)}

This is an application filed by Shri A. Narasimhamurthy, seeking relief from this Tribunal, in substance, for a direction to the Respondents for correct fixation of his pay with effect from 1.1.1996.



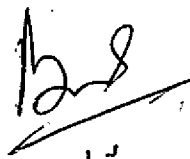
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2. We have heard Shri S.P. Saxena and Shri R.R. Shetty (for Shri R.K. Shetty) for respective side. As the matter lies in a short compass, from the facts presented by both sides, we have taken up this case for decision at the stage of admission and accordingly disposing of the same.

3. The Respondents have indeed admitted that due to non availability of service records, in view of large number of transfer of the Applicant to various places in the country, the process of pay fixation has not been finalised. However it is stated that for collecting the records from various offices and for fixing the pay they would need six months time.

4. Shri S.P. Saxena, the Learned Counsel for the Applicant states that the applicant was drawing basic pay of Rs. 5100/- from 1.3.1995 as can be seen from page 28 of the paper book. The second aspect that is clearly of anomaly, according to him, is that one Shri Mahendra Gupta who was junior, has had his pay fixed on higher level from 1.1.1996.

5. The first point is that of a long delay in pay fixation. Even so, while we appreciate that pay fixation will take sometime, we certainly cannot appreciate why provisional pay fixation should not have been done, in view of the fact that basic orders of pay fixation are available since long. According to the counsel for the Applicant, the applicant was drawing Rs.1100/- p.m. + DA less than his due, for a period of over four




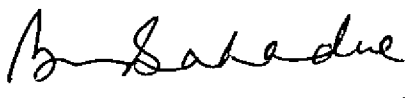
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years. This is clearly great injustice. The matter can certainly be sorted out in two phases. Firstly by the Respondents by fixing the pay provisionally in respect of the Applicant with effect from 1.1.1996 and paying him arrears accordingly from that date. Indeed the provisional pay fixation should be made according to rules, keeping in view that applicant's junior is getting a higher pay which cannot normally be the case, unless they have some special reasons which ought to be clearly noted. The Respondents can obtain indemnity bond ^{under taking} etc. from the applicant while paying the dues. Further pay shall naturally be paid in the new fixation.

6. The second direction we would like to give to the Respondents is that the final pay fixation which also be done within a period not exceeding six months. We are providing this period of time very liberally on the request made by Shri R.R. Shetty and any delay beyond that would be seen as clear inefficiency on the part of the Respondents. We do hope that Respondents No. 3 and 4 will attend to this on a personal basis.

7. The OA is disposed of with the directions in the above two paras. The fixation of provisional pay and payment of arrears be made latest by 31.3.2001. Accordingly the OA is disposed of. No order as to costs.


(S.L. JAIN)
MEMBER(J)


(B.N. BAHADUR)
MEMBER(A)