

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH: MUMBAI

ORIGINAL APPLICATION NO. 310 OF 2000

Date of Decision: 18.6.2001

Shri D.K. Gaikwad

Applicant(s)

Shri K.R. Yelwe

Advocate for Applicant

Versus

Union of India & 4 others

.. Respondents

Shri V.S. Masurkar

Advocate for Respondents

CORAM

HON'BLE SHRI JUSTICE ASHOK AGARWAL

. CHAIRMAN

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 Shastri*  
(SMT. SHANTA SHASTRY)  
MEMBER (A)

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CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO. <sup>310</sup>~~30~~ OF 2000

MONDAY, THE 18TH DAY OF JUNE 2001

CORAM

HON'BLE SHRI JUSTICE ASHOK AGARWAL.  
HON'BLE SMT. SHANTA SHASTRY.

... CHAIRMAN  
... MEMBER (A)

Shri D.K. Gaikwad,  
A.M. (Welfare), Staff No.9300,  
Welfare Section, 9th Floor,  
Telephone House, Prabhadevi,  
V.S. Marg, Dadar (W),  
Mumbai-400 028, residing at  
48, Tenements Municipal Bldg,  
No.B/14, G.M. Nangre Lane,  
Dr. B.R. Ambedkar Road, Parel,  
Mumbai-400 012.

... Applicant

By Advocate Shri K.R. Yelwe.

Versus

1. Union of India through  
the Secretary to the Govt.  
of India, Ministry of  
Communication, Department of  
Telecommunications & Sanchar Bhavan,  
New Delhi.
2. The Chief General Manager,  
M.T.N.L. Mumbai, Telephone House,  
Prabhadevi,  
Mumbai-400 028.
3. The General Manager (Administration),  
M.T.N.L. (Mumbai) Telephone House,  
Prabhadevi, V.S. Marg,  
Mumbai-400 028.
4. The Accounts Officer (Cash Trans.)  
M.T.N.L. Mumbai-400 028.
5. The Asst. Gen. Manager (Amn.I),  
M.T.N.L.,  
Mumbai-400 028.

... Respondents

By Counsel Shri V. S. Masurkar.

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O R D E R (ORAL)

Hon'ble Smt. Shanta Shastry.

.. Member (A)

The applicant is aggrieved that his pay scale has been reduced from Rs. 7500 - 12000 to Rs. 6500 10500. After the recommendations of the 5th Pay Commission when the pay scales were revised the pay scales of Rs. 2000 - 3200 and Rs. 2000 - 3500 have been given replacement scale of Rs. 6500 - 10500. The applicant's pay was, however, fixed in the scale of Rs. 7500 - 12000 while re-fixing his pay with effect from 1.1.1996 as per the recommendations of the 5th Pay Commission. The respondents detected this mistake and revised the applicant's pay from time to time in the scale of Rs. 6500 - 10500 and recovered the excess amount paid to the applicant from 1.1.1996 onwards. The difference works out to Rs. 700/- per month in the basic pay. The applicant was drawing Rs. 9000/whereas he was entitled to Rs. 8300/- according to the respondents. The applicant submits that the recovery has been made after his retirement on 31.5.2000. It is the contention of the applicant that the Pay Commission had recommended totally a new scale of Rs. 2500 - 4000 in terms of paras 43.31 and 43.13 read with para 62.37 of the 5th Pay Commission report and therefore, the corresponding revised scale of Rs. 7500 - 12000 with effect from 1.1.1996 was granted. *h*

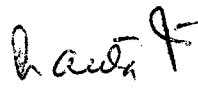
2. The respondents, however, denied this. According to the respondents there is a difference in the pay scale of TES Group "B" and GCS Group "B" scales. TES Group "B" employees were getting scale of Rs. 2000 3500 (pre-revised), whereas the applicant, who belongs to GCS Group "B" was in the scale of Rs. 2000 3200. In the case of TES Group "B" they were upgraded to the scale of Rs. 2500 - 4000 and therefore they were granted the revised replacement scale of Rs. 7500 12000, whereas the applicant who remained in the scale of Rs. 2000 - 3200 was granted the scale of Rs. 7500 10500. It was a sheer mistake that the applicant's pay was fixed in the scale of Rs. 7500 - 12000. He cannot be equated with the engineering service employees. Further, the learned counsel for the respondents has pointed out that the applicant was fully aware that the pay scale of this post was Rs. 6500 - 12000 erroneously, because the administrative order contained the names of other Assistant Managers, who were drawing pay scale of Rs. 6500 - 10500. But the applicant was drawing in the scale of Rs. 7500 - 12000. On many occasion he has discussed the same issue with the Accounts Officer, but he could not satisfy on the scale wrongly given to him with effect from 1.1.1996. He had represented to the General Manager (Administration) regarding fixation of

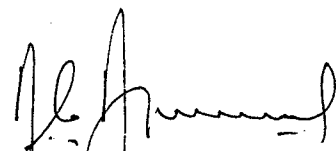
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his pay. He was explained the correct position by the General Manager (A) and he was fully convinced. the respondents have only rectified the mistake made and therefore, they were justified in correcting the same and refixing the applicant's pay.

3. We have heard the learned counsel for both side. In our considered view, it was a mistake that the applicant was given revised scale of Rs. 7500 - 12000 as nowhere the applicant had been able to show us any document by which he was granted the scale of Rs. 2500 4000. Further, on enquiring as to whether similarly placed employees had received the scale of Rs. 7500 12000, the applicant has not been able given any satisfactory reply, whereas the respondents did say that the applicant was wrongly given that pay scale and not similarly placed persons to the applicant and therefore, it has been rectified. We are satisfied that the applicant was granted the higher scale inadvertantly and we therefore, hold that the applicant is not entitled to the scale of Rs. 7500 - 12000. he is entitled to scale of pay of Rs. 6500 - 10500. In our view therefore, the application needs to be dismissed. We accordingly dismiss it. We do not order any costs.

  
(SMT. SHANTA SHASTRY)  
MEMBER (A)

  
(ASHOK AGARWAL)  
CHAIRMAN