

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO:431.2000

THURSDAY the 10th day of JULY 2003

CORAM: Hon'ble Shri Justice R.R.K. Trivedi - Vice Chairman

Hon'ble Shri Shankar Prasad - Member (A)

Amal Kumar Chakriborty
B - 38 Patliputra,
(PO) Anushakti Nagar,
Mumbai.Applicant.

By Advocate Ms.D. Fernandez for Shri Suresh Kumar

v/s

1. Union of India through
Secretary, The Govt. of India
Dept. of Atomic Energy,
OYC, CSM Marg, Mumbai.
2. The Director (Personnel & Admn.)
Heavy Water Board,
V.S. Bhavan, Anushaktinagar,
Mumbai.
3. The Director
Directorate of Construction
Services and Estate Management
Anushakti Nagar, Mumbai.Respondents.

By Advocate Shri R.R. Shetty.

ORDER (ORAL)

{Per Justice R.R.K. Trivedi, Vice Chairman }

By this OA under Section 19 of the Administrative Tribunals Act, 1985 the applicant has challenged the order dated 23.2.2000 (Exhibit-A-1) by which applicant was communicated the fixation of his pay after re-employment as Security Officer in Heavy Water Board.

2. The facts of the case are that applicant retired from Indian Air Force on 30.9.1975. After retirement he was drawing pension at the rate of Rs.113/- per month. The applicant was given re-employment on or about 10.10.1975 and his pay was fixed

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An initial sketch paper

at Rs.378.10. According to the Government order, ~~150%~~ of the pension amount ~~shall be~~ ^{is} required to be deducted w.e.f. July, 1978, ~~either~~ ⁱⁿ ~~again~~ Government order was issued providing that pension amount upto Rs.125/- per month ~~was~~ ^{shall be} ignored with reference to persons who retired at the age of 55 years vide order dated 19.7.1978. The ignorable amount of pension ~~was~~ ^{thus} enhanced to Rs.125/-. The employees were required to exercise their option for fixation of their pay according to the terms of the order dated 19.7.1978. It is not disputed that the applicant has exercised option. Consequently his pay was fixed at Rs.423.10 w.e.f. 19.7.1978. This fixation was to be done ingoring the past service as if the applicant was employmed for the first time. In Para 1.3.3 of the counter-reply of the respondents, it has been indicated by the respondents how the pay of the applicant was fixed as on 19.7.1978. After deducting the pension and pension equivalent of gratuity (i.e. Rs.113 + 13.90 = ^{126.90} Rs.126.90) ^{1.90} and after deducting Rs.~~126.90~~/- it comes to Rs.423.10. Accordingly the pay of the applicant has been fixed at Rs.423.10 w.e.f. 19.7.1978. We have examined the whole order.

3. In light of the submission made by counsel for the respondents, we do not find any illegality in the order passed by the respondents in fixing the pay of the applicant. Throughout he has not suffered any loss. The OA has no merit. It is accordingly dismissed. No order as to costs.

Shankar Prasad
(Shankar Prasad)
Member (A)

R.R.K.Trivedi
(R.R.K.Trivedi)
Vice Chairman

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