

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

(u)

O.A. NO: 44/92

199

T.A. NO: ---

DATE OF DECISION 28-4-1992

Jagmohan Singh Petitioner

Mr.G.S.Walia Advocate for the Petitioners

Versus

Union of India and ors.

Respondent

Mr.N.K.Srinivasan

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. M.Y.Priolkar, Member(A)

The Hon'ble Mr. S.F.Razvi, Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *No*

mbm* MD


(M.Y.PRIOLKAR)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.44/92



Jagmohan Singh,
C/o.G.S.Walia,
Advocate,
High Court,
Office No.16,
Maharashtra Bhavan,
Bora Masjid Street,
Behind Handloom House,
Fort, Bombay-400001.

.. Applicant

vs.

1. Union of India
through
General Manager,
Western Railway,
Churchgate,
Bombay - 400020.
2. Divisional Railway Manager,
Western Railway,
Kota Junction,
Rajasthan.
3. Chief Engineer(E),
Western Railway,
Churchgate,
Bombay - 400 020. .. Respondents

Coram: Hon'ble Shri M.Y.Priolkar, Member(A)

Hon'ble Shri S.F.Razvi, Member(J)

Appearances:

1. Mr.G.S.Walia
Advocate for the
Applicant.
2. Mr.N.K.Srinivasan
Advocate for the
Respondents.

ORAL JUDGMENT: Date: 28-4-1992
(Per M.Y .Priolkar, Member(A))

This application has been filed challenging the non implementation of the order dtd. 10-6-1991 in which the pay of the applicant was fixed at a higher level by stepping up on par with the juniors. According to the applicant, it is admitted, that this higher pay was given only for one month and thereafter the applicant is being paid the lower salary as earlier, allegedly on account of some objections taken by the Accounts department. It is not in dispute that

6

the ~~xxx~~ order dtd. 10-6-1991 stepping up the pay ~~into~~ the level of juniors ~~have~~ been issued by the competent authority. In case there was any infirmity in the order or because of any reason the pay had to be reduced, the order needs to have been formally amended after issuing a show cause notice to the applicant. This has not been done and therefore we have to hold that the action of the respondents in paying the lower salary inspite of currency of a valid order cannot be sustained.

(6)

2. The application is therefore allowed and the respondents are directed to pay the applicant according to the order issued on 10-6-1991 until this order is amended ^{after} ~~by~~ giving a showcause notice. Needless to say if the applicant is aggrieved by the final decision, if so taken, he will be at liberty to approach us again in accordance with law. No order as to costs.

Syed Farhan
294

(S.F.RAZVI)
Member(J)


(M.Y. PRIOLKAR)
Member(A)

MD

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

(10)

Contempt Petition No.165/92
in
Original Application No.44/92

Jagmohan Singh,
C/o.G.S.Walia,
Advocate High Court,
16,Maharashtra Bhavan,
Bora Masjid Street,
Fort, Bombay - 400 001. .. Petitioner

-versus-

1. Shri P.V.Vaitheeswaran,
General Manager,
Western Railway,
Churchgate,
Bombay - 400 020.
2. Shri M.K.Chauhan,
Assistant Personnel Officer(M)
Western Railway,
Kota-Junction.
3. Shri Vidhu Kashyap,
Sr.Divisional Personnel Officer,
Western Railway,
Kota-Junction.
4. Shri Kamna Dhar Kalla
Divisional Railway Manager,
Western Railway,
Kota Junction. .. Proposed
Contemnners.

Coram: Hon'ble Shri Justice M.S.Deshpande,
Vice-Chairman.

Hon'ble Ms.Usha Savara, Member(A)

Appearances:

1. Mr.G.S.Walia
Advocate for the
Petitioner.
2. Mr.N.K.Srinivasan
Counsel for the
Proposed Contemnners.

TRIBUNAL'S ORDER:

Date: 10-6-1993

Heard counsels. It appears that after
the order was passed in the O.A. a notice was sent
by the respondents to the applicant for modifying

(1)

the earlier order by virtue of the leave
that was granted to the respondents to do
so. But the order has not yet been modified.
We would ~~xx~~ direct that any modification of
the order if the respondents wants to make
should be completed within three months
from today.

2. Since the applicant has retired
in the month of October, 1992 his pensionary
benefits shall also be modified on the basis
of the order that would be passed pursuant
to the leave granted.

3. Liberty has already been granted
to the applicant to move, if necessary, by
fresh O.A. should he feel aggrieved by the
subsequent order. In view of the above direction
no further order is necessary.

4. C.P. is disposed of.

U. Savara
(USHA SAVARA)
M(A)

M.S. Deshpande
(M.S. DESHPANDE)
VC

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