

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

C.P. 94/95 in
Original Application No. 340/93

Tribunal's order

Dated: 2.12.96

Heard Shri A. Ansari for Shri D.V.Dave, counsel for the applicant. Shri V.S.Masurkar, counsel for the respondents.

The Tribunal vide its order dated 19.7.94, directed the respondents ~~that the applicants~~ were entitled to have the special pay reckoned as emoluments for the purpose of their pension and retiral benefits. The respondents action in depriving the applicants of this special pay by commuting the emoluments cannot be supported and is quashed. The respondents were directed to restore the benefit to the applicants and pay the recoveries which have already been affected from them within three months from the date of receipt of a copy of this order together with interest @ 10% p.a.

The learned counsel for the applicant has drawn our attention to the letter issued by the respondents dated 28.9.95 wherein it is stated that the SLP has been filed in the Supreme Court is yet to be decided and they are unable to obtain a stay order from the Supreme Court against the operation of the judgement and the Competent Authority has now decided to provisionally implement the judgement. So far nothing has been done.

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In the circumstances the respondents are given last opportunity to file reply to C.P. subject to the cost award of Rs. 500/- to the applicant.

Adjourned to 20.12.96.

Copy of the order be given to both the parties.


(P.P. Srivastava)
Member (A)


(B.S. Hegde)
Member (J)

NS

dd 21/12/96
Order/Judgement despatched
to Appellants Respondent(s)
on 4/12/96


5/12/96