

IN THE CENTRAL ALIADAR COURT OF APPEAL
BOMBAY BENCH AT MUMBAI
CAMP NAGPUR

O.A. NO: 104/93.

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DATE OF DECISION 07.12.1994.

A. S. Kesarwani & 5 Others, Petitioner

Applicant in person.

Advocate for the Petitioners

Versus

Union Of India & 2 Others, Respondent

Shri R. P. Darda,

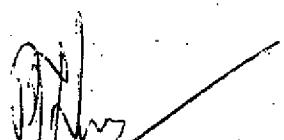
Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. P. P. Srivastava, Member (A),

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


(P. P. SRIVASTAVA)
MEMBER (A).

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

NAGPUR CIRCUIT BENCH, NAGPUR.

O.A. NO.: 104/93.

Shri A. S. Kesarwani & 5 Others ... Applicants

Versus

Union Of India & 2 Others ... Respondents.

CORAM :

Hon'ble Shri P. P. Srivastava, Member (A).

APPEARANCE :

1. Shri A. S. Kesarwani,
Applicant in person.
2. Shri R. P. Darda,
Counsel for the Respondents.

ORAL JUDGEMENT :

DATED : 07.12.1994.

¶ Per. Shri P. P. Srivastava, Member (A)¶.

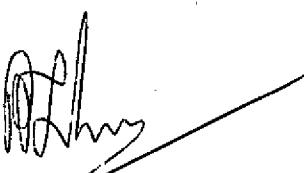
1. The applicants in this case, are working as Assistant Foreman in the grade of Rs. 2000-3200. Their pay scales were revised vide Annexure A-4(1), Factory Order dated 21.03.1990. The revision has been made according to the letter which is placed at Annexure A-2 No. 45(2)/89/ III/D(Fy-II) dated 07.09.1989. This refixation of the pay scale of Supervisor 'A' (Tech.) was done as a result of some judgement of Central Administrative Tribunals at Jabalpur, New-Bombay and Calcutta Bench. The applicants case is that they were not a party to these cases and their pay stands reduced by two increments if the provisions of this circular are applied in their case.

2. The Respondents have mentioned that the applicants were given an option to opt for or not to opt for the fixation of pay according to the new provisions, which

are at Annexure A-2 but since the applicants did not give any option, it was presumed that they have accepted the new circular and their pay scale was accordingly fixed. However, in para 5 of the reply to the amended application, the Respondents have mentioned that since there is a reduction in the pay of the applicants ~~and~~ their cases have been referred to the Ministry of Defence for consideration but no reply has been received from the Ministry of Defence so far.

3. I, therefore, direct the respondents that the applicants should be continued to be paid according to their old fixation till the decision from the Ministry Of Defence is received in this case. It is clarified that the applicants will have a right to approach this Tribunal again if they are aggrieved by the decision of the Ministry Of Defence, as also the Respondents would have a right to fix the applicants pay according to the decision of the Ministry of Defence.

4. With the above directions, the O.A. is disposed of. There will be no order as to cost.



(P. P. SRIVASTAVA)
MEMBER (A).