

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 825/94

Transfer Application No.

(10)

Date of Decision

6/11/95

Shri R.S.Tiwari

Petitioner/s

Shri P.A.Prabhakaran

Advocate for
the Petitioners

Versus

Union of India & Ors.

Respondent/s

Shri V.S.Masurkar

Advocate for
the Respondents

CORAM :

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

Hon'ble Shri.

(1) To be referred to the Reporter or not ? No

(2) Whether it needs to be circulated to other Benches of the Tribunal ? No


(P.P.SRIVASTAVA)
MEMBER (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

OA.NO. 201/95

(A)

Shri W.H.Lokhande

... Applicant

v/s.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Member (A) Shri P.P.Srivastava

Appearance

Shri P.A.Prabhakaran
Advocate
for the Applicant

Shri Suresh Kumar
for Shri M.I.Sethna
Advocate
for the Respondents

JUDGEMENT

Dated: 6/11/95

(PER: P.P.Srivastava, Member (A))

The applicant was appointed in Income Tax Department as U.D.C. in 1963. He was promoted as Head Clerk in 1971 and thereafter Supervisor Gr.II in 1977. The applicant got promoted as Inspector of Income Tax on 28.8.1979. On all these promotions the pay of the applicant was fixed in terms of the provisions contained in F.R. 22-C. On his promotion from Supervisor Gr.II the applicant was in grade Rs.550-750 and was promoted to the post of Inspector of Income Tax in grade Rs.425-600. The applicant retired from service on 31.7.1994 and the applicant was drawing a basic pay of Rs.3050/- at the time of retirement. The respondents reduced the pay of the applicant on 20.7.1994 from Rs.3050/- to Rs.2825/- in terms of their order dated 20.7.1994 (placed at page 13 of the OA.). In letter dated 20.7.1994 while reducing the pay of the applicant it was mentioned that the pay of the applicant was wrongly fixed under F.R.22-C on promotion as Inspector from Supervisor Grade II. Aggrieved by this order, the applicant has approached the Tribunal through this OA.

2. In a similar case this Tribunal has already held in OA.NO. 825/94 in the similar facts and circumstances that the respondents have arbitrarily revised the pay fixation of the applicant and therefore the order issued by the respondents reducing the pay of the applicant was quashed. The ratio of the decision in OA.NO. 825/94 is squarely applicable in the facts and circumstances of this case and the judgement of that OA. would govern the outcome of this case also.

3. I, therefore, order as under :-

The pay fixation order dated 20.7.1994 by the Respondent No. 2 is quashed. The order of recovery of Rs.35,200/- dated 27.7.1994 is also quashed. I further direct that the settlement dues of the applicant should be worked out as if the reduction in pay was not done in terms of letter dated 20.7.1994. The applicant will be entitled to payment of the settlement dues in terms of above directions along with the interest payable as per rules for the delayed payment of his settlement dues. There will be no order as to costs. A copy of the judgement in OA.NO. 825/94 is attached with this order.

M. A.

(P.P.SRIVASTAVA)
MEMBER (A)

mrj: