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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 430/94
Transfer Application No.

Date of Decision : 29/06/1995

M. Prahlada Rao & Ors. Petitioner

Shri. S.P. Saxena Advocate for the
Petitioners

Versus

Union of India & Ors. Respondents

Shri. R.K. Shetty Advocate for the
respondents

C O R A M :

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri

(1) To be referred to the Reporter or not ?

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

(M.S.DESHPANDE)
V.C

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(D)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. 430/94

M. Prahlada Rao & Ors. ... Applicants

Vs.

Union of India & Ors. ... Respondents

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

Appearances

1. Shri.S.P.Saxena
Advocate
for the applicant.
2. Shri.R.K. Shetty
Advocate
for the respondents.

ORAL JUDGMENT

DATED : 29/06/1995

(Per. Justice M.S.Deshpande, Vice Chairman).

By the present application, the three applicants seek direction to the respondents to re-fix the pay of the applicants by fixing their pay notionally in the Junior Time Scale of Pay of Rs.700-1100 (revised to Rs.2200-4000) before fixing them in the scale of pay of Rs.3000-4500 (revised) in their present grades by extending the benefit of the judgment in O.A. 211/86 and 498/86 to the applicants on their promotion to the post of A.O-II to Gr.A.O and/or B.S.O to Sr.B.S.O posts.

2. In identical case, relief was granted initially by the Delhi High Court in W.P.No. 887/83 (K.R.Swami vs. Union of India) decided on July 11, 1984 and this Single Bench decision was affirmed by Delhi High Court in L.P.A 121/84 decided on 23.8.1991. Later similarly situated persons applied to Principal Bench of this Tribunal by filing O.A. 211/86 and 498/86 (Lakshmi Narayana & Ors v. Union of India & S.N.Sen Gupta vs.

Union of India). In view of the identical decision taken by the Principal Bench, by Circular dated 14th December, 1993, (Exhibit A-4) orders were issued fixing their pay in pursuance of the directions issued by the Delhi High Court and the Principal Bench of this Tribunal, making the payment conditional by inserting clause (5) to the following effect :

"(5) The above officers are required to give an undertaking that they would refund the amount paid to them on account of pay fixation under Concordance Table if the case is decided in favour of Union of India in the SLP filed by the Government in the Supreme Court against the CAT judgment in question."

3. The respondents filed sur-rejoinder and the annexures to the sur-rejoinder show that the Supreme Court have granted the respondents leave to file appeal and granted interim stay of the directions issued by Principal Bench of this Tribunal and the matter stood adjourned by the order passed on 30-8-1994 by the Supreme Court.

4. The position therefore is that by the decisions rendered by the Delhi High Court and the Tribunal, relief sought by the applicant by this O.A shall have to be granted. It will however be expedient to make that relief subject to the decision of the Supreme Court in the S.L.P which has been filed by the respondents.

5. Therefore, the respondents are directed to refix the pay of the applicants No. 1 to 3 as sought by prayer 8(a) notionally in the Junior Time Scale of Pay of Rs.700-1100 (revised to 2200-4000) before fixing them in the scale of pay of Rs.3000-4500 (revised) and to extend the benefit of the judgment in O.A. 211/86 and 498/86 to the applicants on their promotion

from the post of A.O.II to Gr.A.O and/or B.S.O to Sr. B.S.O posts. This, however shall be subject to the decision of the Supreme Court and subject to an undertaking given by the applicants as sought by para 5 of the Circular dt.14.12.1993. That undertaking shall be given within four weeks to the Department. Arrears shall be paid within six months. Liberty to the respondents to seek restitution should the Supreme Court decide in favour of the respondents. There is no order as to costs.

(M.S.DESHPANDE)
VICE CHAIRMAN

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(M.S.DESHPANDE)
VICE CHAIRMAN

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