

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 1123 /1995

Date of Decision: 3.9.1996

R.C.Dubey

Petitioner/s

Shri A.I.Bhatkar

Advocate for the
Petitioner/s

V/s.

Union of India & Ors.

Respondent/s

Shri V.S.Masurkar

Advocate for the
Respondent/s

CORAM:

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

Hon'ble Shri

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

(2) Whether it needs to be circulated to other Benches of the Tribunal ?


(P.P.SRIVASTAVA)

MEMBER (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

OA NO. 1123/95

Tuesday, this the 3rd day of September, 1996.

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

R.C.Dubey
C/O. Shri A.I.Bhatkar
Advocate, High Court,
4/13, Mohamed Hussain Chawl,
Opp.Antop Hill
Post Office Wadala, Bombay.

By Advocate Shri A.I.Bhatkar ... Applicant
V/S.

1. Union of India through the Chief of the Naval Staff, Naval Headquarters, Sena Bhawan, DHQ PO, New Delhi.
 2. The Flag Officer Commanding-in-Chief, Headquarters Western Naval Command, Shahid Bhagat Singh Road, Bombay.
 3. The Controller of Defence Accounts (Navy), Cooperage Road, Bombay.
 4. The Officer-in-charge, Naval Transport Pool, Colaba, Bombay.

By Advocate Shri V.S.Masurkar
C.G.S.C.

... Respondents

ORDER (ORAL)

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

Heard Mr. A. I. Bhatkar, counsel for the
applicant and Mr. V. S. Masurkar, counsel for the
respondents.

2. Mr. Bhatkar relies upon the provisions of rules as brought out by him in Para 4.3 at page 6, wherein it has been mentioned that :-



"The initial pay, on re-employment, should be fixed at the minimum stage of the scale of pay prescribed for the post on which an individual is re-employed.

In cases where it is felt that the fixation on initial pay of the re-employed officer at the minimum of the prescribed pay scale will cause undue hardship, the pay may be fixed at a higher stage by allowing one increment for each year of service which the officer has rendered before retirement in a post not lower than that in which he is re-employed."

3. Counsel for the respondents, on the other hand, has argued that the case of the applicant who is the Driver is not covered by the special provisions which have been made for Ex-Combatant Clerks etc. which have been quoted by the applicant. However, he has brought out on record two letters dated 25.4.1996 and 1.6.1996 which show that the matter is still under consideration. In view of this, I dispose of this OA. with the observation that as and when the final decision is taken, the applicant would be informed of the same. The applicant would be at liberty to agitate the matter if he is aggrieved by the final decision if so advised. The OA. is disposed of with the above directions.



(P.P. SRIVASTAVA)

MEMBER (A)

mrj.