

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 1306/95

DATE OF DECISION:

Tuesday, this the 18th Day of July 2000

Shri M.S. Athawale, Applicant.

(By Shri Suryavanshi for Shri S.G. Deshmukh, Advocate)

Versus

Shri Union of India & Ors. Respondents

(By Shri. M.I. Sethna Sr. Advocate with Shri Vadhavkar, Advocate.)

CORAM

Hon'ble Shri B.S. Jai Parameshwar, Member (J)


Hon'ble Shri B.N. Bahadur, Member (A)

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

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

No

(3) Library.


(B.S. Jai Parameshwar)
Member (J)

sjt

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.1306/95

DATED: TUESDAY, this the 18TH DAY OF JULY, 2000.

CORAM: HON'BLE SHRI B.S. JAI PARAMESHWAR, MEMBER (J)
HON'BLE SHRI B.N. BAHADUR, MEMBER (A)

Shri M.S. Athawale,
residing at Chintamani Kripa,
Rajwada, Sangli 416, 416
last employed as Asstt. Collector,
Central Excise & Customs,
Satara Applicant
(Applicant represented by Shri Suryavanshi for Shri S.G. Deshmukh,
Advocate)
vs.

1. The Union of India
served on the Secretary,
Central Board of Excise
North Block, New Delhi-1.
2. Under Secretary to the
Govt. of India,
Ministry of Finance,
Department of Revenue,
New Delhi.
3. The Collector of Central Excise
& Customs, Pune,
Municipal Commercial Building,
Hira Baug, Tilak Road, Pune. Respondents.
(By Shri Vadhavkar for Shri M.I. Sethna, Sr. Advocate)

O R D E R (ORAL)

[Per: B.S. Jai Parameshwar, Member (J)]

Shri R.D. Suryavanshi for Shri S.G. Deshmukh Learned
Counsel for the Applicant. Shri V.D. Vadhavkar learned Counsel
for the Respondents are present. Heard.

2. This is the second round of litigation.
3. The Applicant when he felt that his case for promotion as
Assistant Collector of Central Excise & Customs (JTS) he
approached this Tribunal in O.A. 178 of 1986. The said O.A.
was decided on 19.11.1987 in his favour. Thereafter he initiated

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contempt proceedings and the Respondents promoted the Applicant to the post of Assistant Collector of Central Excise (JTS) with effect from 14.5.1986.

4. While working on the said post the Applicant retired from service w.e.f. 30.11.1990, on attaining the age of superannuation.

5. Relying upon the decision of the Hon'ble Supreme Court in the case of A.K.Chatterjee vs. GOI (Writ Petition No.4532/33 of 1978), he submitted representations to place him in the STS Cadre of Asst. Collector as he had completed 4 years of service (whether regular, temporary or on adhoc, he be given Senior time Scale with effect from the date on which he or she as the case may be has completed the required service of 4 years) on 14.5.1990 and ~~and~~ prayed for fixation of pay and pensionary benefits accordingly. His representation did not evoke any response.

6. Hence he has filed this O.A. for the following reliefs.

"a) The respondents be directed to grant to the Applicant, Senior Time Scale with effect from 14/5/1990 to 30-11/1990 i.e. the date of retirement of the Applicant.

b) The Respondents be directed to grant all the terminal benefits including the pension, gratuity, commutation value, encashment of leave, etc. in accordance with the Senior Time Scale.

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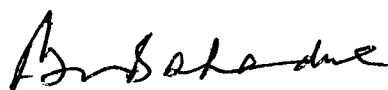
c) The Respondents may be directed to pay arrears due to the applicant in view of the prayer clause 'a' and 'b' above to the applicant and to go on paying pension at the rate revised accordingly."

7. The Respondents have filed the reply. They submit that the claim of the Applicant has already been considered and by order dated 1st February, 1996 (Exhibit R.1) the applicant has been placed in the post of Assistant Collector (Senior Time Scale) w.e.f 14.5.1990 and necessary fixation of pay has been done till the date of his retirement. Exhibit R. 2 shows the fixation of the pay of the present Applicant in Senior Time Scale.

8. On perusal of these two documents which are taken on record the Respondent Authorities have granted the reliefs claimed by the Applicant.

9. Hence the O.A. does not survive for consideration.

10. O.A. is disposed of with no orders as to costs.



(B.N. Bahadur)

Member (A)

sj*



(B.S. Jai Parameshwar)

18/7/2000
Member (J)