

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 1037 /1996

Date of Decision: 13.12.96

T.R. Kulkarni

Petitioner/s

Shri S.P. Saxena

Advocate for the
Petitioner/s

V/s.

Union of India and others

Respondent/s

Shri R.K. Shetty.

Advocate for the
Respondent/s

CORAM:

Hon'ble Shri M.R. Kolhatkar, 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?

M.R. Kolhatkar
(M.R. Kolhatkar)
Member(A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH 'GULESTAN' BUILDING NO: 6
PREScot ROAD, BOMBAY:1

Original Application No. 1037/95

Friday the 13th day of December 1996

CORAM: Hon'ble Shri M.R. Kolhatkar, Member (A)

T.R. Kulkarni
Chargeman Grade II(Mech),
Ordnance Factory
Dehu Road (Pune District)

residing at :
New Ashirwad Housing Society
Vikas Nagar, Kiwale
Dehu Road,

... Applicant.

By Advocate Shri S.P. Saxena.

V/s.

The Union of India through
The Secretary,
Ministry of Defence,
New Delhi.

The Chairman
Ordnance Factory Board,
10-A Auckland Road,
Calcutta.

The General Manager
Ordnance Factory
Dehu Road, Dist. Pune.

The General Manager
Ammunition Factory,
Khadki, Pune

... Respondents.

By Advocate Shri R.K. Shetty.

O R D E R (ORAL)

1 Per Shri M.R. Kolhatkar, Member (A) {

Heard counsel for both the parties.

2 The applicant by this O.A. prays for a direction to the respondents to pay the difference of arrears of pay and other allowances, arising out of revised pay fixation of the applicant in the post

of Supervisor 'B' grade from 1.7.83 to 5.4.93.

It is stated that the respondents have withheld the arrears of pay by the order dated 11.8.94 (page 11).

It is not disputed that the sister Factory namely Chandrapur Factory has paid arrears to employees on account of pay fixation from the date of their actual promotion to Supervisor 'B' grade (Tech) after having been allowed by the Audit Authority by order No.56 dated 17.1.94.

3. The learned counsel for the respondents submits that the applicant had assumed charge of the post of Supervisor Grade 'B' from 1.7.83 and that the claim of payment of arrears for the period from 1.7.83 to 5.4.93 is not disputed. The respondents would also pay all consequential benefits arising from the above revised pay fixation. However the learned counsel for the respondents opposes the claim for payment of interest vide relief in para 8(b) on the ground that the applicant has moved the Tribunal on 3.8.95. The learned counsel for the applicant pointed out that his representation dated 1.11.94 was rejected by memorandum dated 15.5.95 and thereafter he moved the Tribunal, ^{and} therefore there is no delay on his part.

4. Admittedly the payment of arrears has been made in Ordnance Factory Chanda in January 1994 and there was no reason why the payments should have been denied to the applicant, who is similarly placed as compared with the employees of Ordnance Factory Chanda. However, he cannot claim interest from 17.1.94. Every factory has its own administrative machinery and the ^{revised} fact that ~~he received~~ pay fixation from a prospective

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date was permitted at Dehu Road Factory only from 11.8.94 cannot be ignored. The earliest date the applicant could have been given arrears would be 11.8.94. The applicant is therefore entitled to interest on arrears from 11.8.94 at the rate of 12%. If any payment has been made to the applicant the same may be adjusted. Compliance in relation to the payment of arrears with interest be done within three months from the date of receipt of the order and compliance in relation to the consequential benefits be done within six months from the date of receipt of the order. O.A. is disposed of in these terms. No costs.

M.R. Kolhatkar

(M.R. Kolhatkar)
Member (A)

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