

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH.

J A I P U R.

O.A. No. 907/92

Date of decision: 1.4.93

M.K. GARG

: Applicant.

Mr. R.N. Mathur

: Counsel for the applicant.

VERSUS

UNION OF INDIA & ANOTHER : Respondents.

Mr. Manish Bhandari

: Counsel for the respondents.

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

Heard the learned counsel for the parties and both the parties have agreed that the case be disposed of finally.

2. Fixation of salary was done vide Annexure A-3 dated 5.1.92. However, the same order was recalled vide Annexure A-1 dated 24/30.3.92 on the ground^{that} the applicant has not given the option within the prescribed period. This order has been passed without hearing the applicant. The learned counsel for the applicant has also produced a letter No. WPS/L/IV-Pay Commission, 86 dated 21.3.92 wherein the Office Supdt., Pay Section, Loco, Ajmer has intimated to the *J. B. 37 (H)*, Ajmer that from the perusal of the file, it is clear that the circular has not been circulated amongst the staff members and it was only pasted on the notice board. The applicant has come up with a case that he had no knowledge about the circular and as soon as he got the knowledge he submitted his option and claimed the fixation. Pasting of a circular on the notice board may not be a sufficient mode of circulation or informing the staff members for giving the options. Generally, it should be circulated and wide publicity should be given. Ordinarily, the staff members are not expected to see the notice board what circular/letter has been pasted therein. In such circumstances, the order dated 24/30.3.92, Annexure A-1, is bad.

3. In the result, the O.A. is accepted; the order dated 24/30.3.92 is quashed and the order dated 5.1.92 (Annexure A-3) is restored ^{to} its original position and the applicant is entitled to get the salary as per fixation made vide letter dated 15.12.92, 5.1.92, with no orders as to costs.

D.L. MEHTA
Vice-Chairman