

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 1478/93.

Dt. of Decision : 6.7.94.

Mr. SBV Patnaik

.. Applicant.

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1. The Union of India,
rep. by it's Secretary to Govt.
Ministry of Defence,
New Delhi - 110 001.
2. The Chief of Naval Staff,
Naval Headquarters,
New Delhi - 110 001.
3. The Flag Officer Commanding-in-chief,
Headquarters Eastern Naval Command,
Naval Base, Visakhapatnam-530 014.
4. The Base Victualling Officer
Base Victualling Yard
Naval Armament Depot P.O.
Visakhapatnam-530 009.

Counsel for the Applicant : Mr. N.Rama Mohan Rao

Counsel for the Respondents : Mr. N.R. Devaraj, Sr.CGSC.

CORAM:

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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ASP
By

O.A.No.1478/93

(As per Hon'ble Shri R.Rangarajan, Member (Admn.))

Heard Mr.Siva for Mr.N.Rama Mohan Rao,
learned counsel for the applicant and Mr.N.R.Devraj,
learned standing counsel for the respondents.

2. This O.A. is filed assailing the order
of refixation of his pay vide letter No.CE/4607/WED (V)
dated 15.7.1993 and praying for a direction to the
respondent No.3 to refrain from revising the pay and
recovering from the pay of the applicant any amount
pursuant to the order dated 15.7.1993.

3. The applicant herein joined as Assistant
Store Keeper in Base Victualling Yard, Visakhapatnam.
On and off he worked as Store Keeper for 327 days before
being regularly promoted as Store Keeper. He was regularly
promoted as Store Keeper w.e.f. 10.8.1982. On promotion
he was posted under Material Organisation, Headquarters,
Eastern Naval Command, Visakhapatnam and his pay at the
time of promotion as Assistant Store Keeper was Rs.334/-.
The Store Keeper post is in the grade of 330-10-380-EB-
12-500-15-560. It is stated that in the normal circumstances
on his promotion as Store Keeper his pay should be fixed
at the stage of Rs.350/- only protecting his pay drawn
last in the lower category of Assistant Store Keeper.
However it is stated that his pay was fixed at the stage
of Rs.360/- when promoted as Store Keeper taking into
account his officiating promotion for short spells as
Store Keeper for 327 days. The alleged error of fixation

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of his pay at Rs.360/- was reported to have been detected when his case was sent to Eastern Naval Command, Headquarters for determining his fitness to cross the efficiency bar. As the error in fixation of pay was detected action was initiated to refix his pay at the stage of Rs.350/- when he was promoted in the year 1982, and to cover the excess payment due to erroneous fixation of his pay as Store Keeper at Rs.360/- in the year 1993. Hence this O.A. is filed assailing the order quoted above.

4. Learned counsel for the respondents has gracefully admitted that this OA is covered by the orders of this Tribunal dated 4.7.94 in OA.1357/93. The learned counsel for the applicant also submitted that this is a covered case.

5. The case of the applicant herein is exactly similar to the case of the applicant in OA.1357/93 which was decided on 4.7.94. In both the cases the initial fixation of pay when promoted as Store Keeper regularly was fixed at Rs.360/-. The only difference in both the cases are that the applicant in OA.1357/93 had worked for 580 days for short spells whereas the applicant herein had worked as Store Keeper for 327 days on short spells. Draft counter affidavit filed in this case is also same as that of the draft counter affidavit which was read out when the case was heard in OA.1357/93. Both the cases are similar, I see no reason to differ from the orders given in OA.1357/93. I follow the orders given in OA.1357/93 dated 4.7.94.

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6. In the result I set aside the order No. CE/4607/WED(V) dated 15.7.93 and direct the respondents to refrain from revising the pay fixation already done and recovery of excess amount.

7. The OA is ordered accordingly. No costs.

Me
(R. RANGARAJAN)
Member (Admn.)

Dated: 6th July, 1994

(Dictated in Open Court)

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Deputy

Copy to:-

1. Secretary to Govt., Ministry of Defence, Union of India, New Delhi-001.
2. The Chief of Naval Staff, Naval Headquarters, New Delhi-01.
3. The Flag Officer Commanding-in-Chief, Headquarters Eastern Naval Command, Naval Base, Visakhapatnam-14.
4. The Base Victualling Officer Base Victualling Yard Naval Armament Depot P.O. Visakhapatnam-009.
5. One copy to Sri. M. Ram Mohan Rao, advocate, CAT, Hyd.
6. One copy to Sri. M.R. Devaraj, Sr. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

Att page
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O.A.1478793

TIPIED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR.A.B.G.RTHI : MEMBER(A)

AND

THE HON'BLE MR.T.CHANDRASEKAR REDDY
MEMBER(CUDL)

AND

THE HON'BLE MR.R.RANGARAJAN : MEMBER(A)

Dated: 6/7/1994.

ORDER/JUDGMENT: ✓

M.A./R.A./C.A. NO.

O.A.No.

ⁱⁿ
1478793 ✓

T.A.No. (N.P.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions ✓

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

NO order as to costs. ✓

pvm

for 8/7/94

2/8/94

