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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA.No.973/97

Date of Order: 12-3-1999

BETWEEN:

A.S.Babu

.. Applicant

AND

1. Air Officer Commanding,
Air Force Central Accounts Office,
New Delhi-110 010.

2. The Commandant,
Air Force Academy,
Dundigal,
Hyderabad-500 043.

.. Respondents

Counsel for the Applicant - Mr.C.Suryanarayana, Advocate

Counsel for the Respondents - Mr.V.Rajeshwar Rao, Addl.CGSC

CORAM:

THE HON'BLE MR.JUSTICE D.H.NASIR : VICE-CHAIRMAN

THE HON'BLE MR.H.RAJENDRA PRASAD : MEMBER (ADMN.)

...

O R D E R

(per Hon'ble Mr.H.Rajendra Prasad, M(A))

Heard Mr.C.Suryanarayana learned counsel for the Applicant and Mr.V.Rajeshwar Rao learned standing counsel for Respondents.

The Applicant was granted Selection Grade with effect from 24.10.1980 to 9.3.83 while he was in the scale of Rs.130-300 (which rule was later revised to Rs.360-560). It is his contention that his pay should have been revised and fixed at Rs.470/- in the Selection Grade but the same was fixed only at Rs.440/-. It is stated that the Respondents had in their counter-affidavit filed in OA.1518/93 admitted that the applicant's basic

pay was fixed at Rs.2,180/- corresponding to the revised pay scale recommended by IV Pay Commission, and that OA was accordingly disposed of on the basis of that submission. The grievance of the applicant is that the respondents have since reversed their own earlier decision and fixed his pay at Rs.2,120/- from 1-4-1994 instead of Rs.2,180/- as fixed earlier. The impugned order is at Annexure A-3.

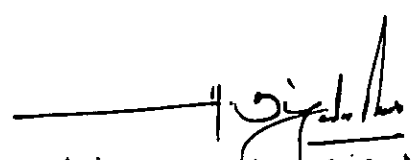
The dispute seems to be regarding one increment which, according to the applicant, should have been granted to him in the lower grade before his promotion to the Selection Grade. The Respondents in their counteraffidavit have shown the mode of calculation to show that the contentions raised by the Applicant are inadmissible.

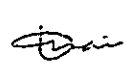
The Applicant is, however, not satisfied with this reply and has projected his own claim based on the calculation arrived at by him. This is at Annexure AA-I to the Rejoinder filed by him.

The dispute is basically regarding fixation of pay which has to be done in accordance with the relevant rules applicable to the present case. This Tribunal cannot undertake such task of calculation or fix the pay-scale of the applicant. The OA is, therefore, disposed of with a direction to Respondent No.2 to have the claim of the applicant re-examined on the basis of the calculations contained in Annexure AA-I to the Rejoinder. If the claim of the applicant is found to be in order the same should be allowed and granted accordingly within shortest possible time. However, if there are any errors or inadmissible calculations in the said Annexure (AA-I to the Rejoinder),

a proper notice shall be served on the Applicant giving an indication of the proposed fixation which can be replied to by him. After receiving the applicant's reply, if any, so such notice, necessary final orders shall be passed. It is to be added that no recoveries in regard to the alleged excess payments can be made at this distant time from the future pay and allowances of the Applicant since the earlier fixation was ordered by the authorities themselves and the Applicant had no role to play in it nor did he in anyway misled the authorities in such fixation. If any recoveries have been made after the interim orders were have passed in this case on 30.7.97, the same shall be refunded to him within 2 months of the receipt of a copy of this order. Any revised fixation of pay that may be finally determined after the completion of action indicated above shall be effective from the day following the interim order.


Thus, the OA is disposed of. No costs.


(H. RAJENDRA PRASAD)
Member (Admn.)


(JUSTICE D.H. NASIR)
Vice-Chairman

Dated: 12th March, 1999
(order dictated in the open court)

'SA'


1999

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR:
VICE - CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD:
MEMBER (A)

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

THE HON'BLE MR. B.S. JAI PARAMESWAR
MEMBER (J)

DATED: 12/3/99

ORDER/JUDGEMENT

MA./RA./CP.No.

IN

O.A. NO. 973/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

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