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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 10.2.1999

OA 241/99

G.S.Hada, retired Inspector, Central Excise & Customs, Jaipur, r/o 43, Goyal Bhawan, Vinod Nagar, Beawar.

... Applicant

Versus

1. Union of India through Secretary, Ministry of Finance, Deptt. of Revenue (Customs & Central Excise), Govt. of India, New Delhi.
2. Commissioner, Customs & Central Excise, near Statue Circle, New Central Revenue Building, Jaipur.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

For the Applicant

... Mr.Vinod Goyal

For the Respondents

... Mr.Harendra Sinsinwar, Adv.,  
brief holder for Mr.M.Rafiq

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, G.S.Hada, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for a direction to the respondents to release three grade increments w.e.f. 1.5.1981 to 1.5.1983 and to compute pension of the applicant after taking into account the aforesaid three grade increments.

2. Heard Mr.Vinod Goyal, counsel for the applicant, and Mr.Harendra Sinsinwar, Advocate, brief holder for Mr.M.Rafiq, counsel for the respondents. Records of the case have been carefully perused.

3. Applicant's case is that while holding the post of Inspector, Central Excise & Customs, the penalty of compulsory retirement was imposed upon him and prior to the imposition of the aforesaid penalty, the penalty of withholding of three grade increments without cumulative effect had been imposed by order dated 3.12.1980 vide Annexure A-2. The applicant challenged the order imposing the penalty of compulsory retirement before this Tribunal earlier by filing an Original Application No.583/86, which was decided on 27.4.1994

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and the penalty of compulsory retirement imposed upon the applicant was set aside. However, the penalty of stoppage of three grade increments without cumulative effect had become final since the appeal against the aforesaid order and the Transferred Application before the Central Administrative Tribunal, Jaipur Bench, Jaipur, were rejected. Since the penalty of compulsory retirement imposed upon the applicant was set aside, the applicant was deemed to be in service till he attained the age of superannuation on 31.1.1988. The grievance of the applicant is that the respondents made payments of the amount of pay and increments to the applicant till the date of superannuation but while making payment the three grade increments, which were withheld without cumulative effect, were not released and payment on account of it was not made to the applicant and this payment, to which the applicant was entitled, was not added while computing his pension. The respondents have categorically stated in the reply that revised pay fixation order has been issued on 25.8.1998, by which the pay of the applicant has been fixed after releasing the three grade increments w.e.f. 1.5.1984 vide Annexure R-1.

4. In the circumstances, the present application is disposed of, at the stage of admission, with a direction to the respondents to compute the pension of the applicant afresh as per rules taking into consideration the revised pay, as expeditiously as possible. No order as to costs.

C. K. N. K.  
(GOPAL KRISHNA)  
VICE CHAIRMAN

VK