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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIFUR BENCH, JAIFUR

Date of order: 09.08.2000

OA No.153/99

Mrs. Shail Bala Sharma Wife of Dr. Arvind Sharma, posted as Laboratory Technician, F&T Dispensary, Kota.

... Applicant

Versus

1. Union of India through the Secretary, Department of Posts, Ministry of Communications, New Delhi.
2. The Chief Postmaster General, Ajmer.
3. The Senior Superintendent of Post Offices, Kota.

.. Respondents

Mrs. Namita Parihar, counsel for the applicant.

Mr. Hemant Gupta, Proxy counsel to Mr. M.Rafiq, counsel for the respondents

CORAM:

Hon'ble Mr. S.K.Agarwal, Judicial Member

Hon'ble Mr. N.P.Nawani, Administrative Member

ORDER

Per Hon'ble Mr. S.K.Agarwal, Judicial Member

Applicant, Smt. Shailbala Sharma, has filed this application under Section 19 of the Administrative Tribunals Act praying for a direction to the respondents to fix the salary of the applicant in the pay scale of Rs. 5000-8000 w.e.f. 1.1.1996 with all consequential benefits and to direct the respondents to make payment of arrears accordingly treating the applicant as Technician with graduate in science prescribed in item XXII(b) of the Fifth Pay Commission report.



2. Heard the learned counsel for the parties.
3. The learned counsel for the parties have agreed to

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dispose of this Original Application at the stage of admission.

4. The learned counsel for the applicant has submitted that this OA can be decided/disposed of in view of the order passed in OA No.415/98 dated 16.7.1999, Mrs. Maya Verma v. Union of India and ors. She submits that the matter is squarely covered by the order passed in the aforesaid OA.

5. We have also heard the learned counsel for the respondents who admits that the case of the applicant is squarely covered by the order passed in OA No.415/98 decided on 16.7.1998.

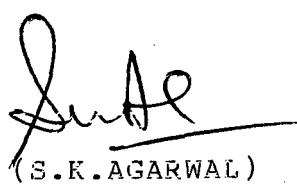
6. We, therefore, hold that reducing the pay of the applicant by the impugned action of the respondents is unwarranted and direct the respondents to pass a fresh order regarding the applicant's pay and emoluments after affording an opportunity of hearing to the applicant or serving a show-cause notice to make a representation thereon.

7. The Original Application stands disposed of accordingly with no order as to costs.



(N.P.NAWANI)

Adm. Member



(S.K.AGARWAL)

Judl. Member