

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

JAIPUR

Date of decision: 18.11.2003

OA No.572/2002

T.C.Chandani s/o late Shri Vasumal Chandani r/o 286, Sindhi Colony, Bani Park, Jaipur presently retired from M.C.C. Dte. Rajasthan, Ministry of Defence, Sawai Madho Singh Road, D-56, Bani Park, Jaipur.

.. Applicant

VERSUS

1. Union of India through the Secretary to the Govt. of India, Department of National Cadet Corps, Ministry of Defence, New Delhi.
2. Controller of Defence Accounts, Southern Command, Pune.
3. Dy. Controller of Defence Accounts, Area Accounts Office, Southern Command, Khatipura Road, Jaipur.
4. Controller General Defence Accounts, R.K.Puram, New Delhi.
5. Director General, National Cadet Corps, West Block 4, R.K.Puram, New Delhi.
6. Deputy Director General, National Cadet Corps Directorate, D-56, Sawai Madho Singh Road, Jaipur.

.. Respondents

Mr. P.N.Jatti - counsel for the applicant.

Mr. U.D.Sharma - counsel for the respondents

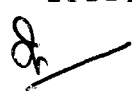
CORAM:

Hon'ble Mr. J.F.Kaushik, Member (Judicial)

Hon'ble Mr. A.K.Bhandari, Member (Administrative)

ORDER (ORAL)

Shri T.C.Chandani has filed this OA wherein the following relief have been sought:-



- "8.1 That by a suitable writ/order or direction the respondents be directed to implement their own order dated 3.11.2000 vide Ann.A/7 for fixation of pay and to refund the recovered money Rs. 11,227/- with 18% interest with effect from 12.9.99 (Orders passed by the Hon'ble Bench).
- 8.2 That the respondents be directed to issue the revised PFO to the applicant with effect from 1.2.2001.
- 8.3 That a reasonable cost be allowed to the applicant for filing the OA.
- 8.4 Any other relief which the Hon'ble bench deems fit."

2. This is probably the second round of litigation the applicant has entered into. Primarily, this OA is in the shape of execution petition wherein in the earlier OA certain orders were passed for refixation of his pay as well as certain recoveries of over payment which were said to have been made due to wrong fixation. This Bench vide order dated 9.12.99 was pleased to pass the following order:-

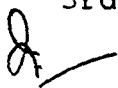
"18. We, therefore, allow this O.A. and quash the impugned orders Annx.A1 and Annx.A2 and direct the respondents not to make any recovery from the salary of the applicant in pursuance of these orders and if any recovery has already been made, the amount so recovered be refunded to the applicant. However, the respondents are free to pass appropriate orders for fixation of pay of the applicant after giving him an opportunity to show cause to the applicant. The whole exercise



must be completed within 3 months from the date of receipt of a copy of this order."

This order was upheld by the Hon'ble High Court of Rajasthan, Jaipur Bench. In compliance to these directions, a show cause notice was given to the applicant vide letter dated 23.01.2001 (Ann.A4). The applicant submitted reply to the same and the matter came to be decided by the competent authority vide order dated 2nd March, 2001 (Ann.R2), which has been enunciated on the letter dated 30 March, 2001 (Ann.A6) and it was indicated that after examining the matter they have come to the conclusion that his pay has been fixed correctly as per the rules. Thereafter, certain correspondence has been made on behalf of the applicant within the Department. Certain communications were also made making certain proposal for revising the pay and the matter seems to have been remained in confusing state of affairs. However, from the record, we find that the order dated 2nd March, 2001 which has been passed holding that his pay earlier fixed was correctly fixed as per the rules, is not under challenge and that is the basic order.

3. Unfortunately, we have not been equipped with complete tools, inasmuch as, what was the earlier fixation has not been produced to us by either of the parties. However, since the order rejecting the claim of the applicant and upholding their earlier fixation has been passed and remained unchallenged, the present OA cannot be proceeded. A contention as well as an averment has been made in the O.A. that the applicant is only seeking implementation of the order at Ann.A7, which was passed on 3rd November, 2000. The respondents have submitted that it



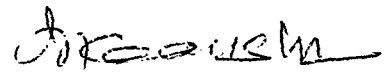
is an internal correspondence and it is not a final order. Perusal of the covering letter also indicates that certain communication has been sent to the higher authority annexing thereto certain proposal and the outcome of the same is that it has been turned down vide order dated 2nd March, 2001 (Ann.P2) and which incidently is not under challenge. Thus, no cause of action ^{which} survives to the applicant as far as this OA is concerned.

4. In the premises, the OA lacks merit and the same stands dismissed without any order as to costs.



(A.K.BHANDARI)

Member (A)



(J.K.KAUSHIK)

Member (J)