

CENTRAL ADMINISTRATIVE TRIBUNAL  
JABALPUR BENCH

CIRCUIT SITTING AT INDORE

OA No.181/05

Indore, this the 19<sup>th</sup> day of August, 2005.

CORAM

HON'BLE MR.M.P.SINGH, VICE CHAIRMAN  
HON'BLE MR.MADAN MOHAN, JUDICIAL MEMBER

Chandra Gopal Dubey  
S/o Shri Ram Krishna Dubey  
R/o E-2453, Sudama Nagar  
Behind Footi Kothi  
Indore.

Applicant

(By advocate Shri S.P.Vakte)

Versus

1. Union of India through  
Secretary  
Ministry of Communications  
New Delhi.

2. The Chief General Manager Telecom  
(BSNL)  
MP Circle, Bhopal.

3. The District Telecom Officer  
Dist. Khandwa (MP)

Respondents.

(By advocate Shri S.A.Dharmadhikari)

O R D E R

By Madan Mohan, Judicial Member

By filing this OA, the applicant seeks a direction to the respondents to recompute the DCRG payable to the applicant and pay the difference of amount of DCRG with 12% interest thereon.

2. The brief facts of the case are that the applicant is a retired employee of the respondent's department. The applicant submitted that at the time of his retirement the DA was not included in DCRG. The rate of DA was 97%. Hence, the applicant is entitled to 97% of basic pay as DA. Similar question arose before the Division Bench of the Tribunal which referred to Full Bench and the Mumbai Bench decided the said matter on 21.9.2001. The said judgment of the Mumbai Bench is a judgment in rem and not a judgment in personam. In this judgment the Full Bench has considered the circular of DCPT and set aside the cut off date of 1st April, 1995. The applicant preferred representation regarding his claim but the respondents have not

yet decided the same. Hence, this Original Application is filed.

3. Heard the learned counsel for the parties and carefully perused the pleadings and records.

4. The learned counsel for the respondents stated that the Hon'ble Supreme Court in the case of State of Punjab & Ors. Vs. Amar Nath Goyal & Ors., in Civil Appeal No. 129 of 2003 vide order dated 27.7.2004 has ordered that the writ petitions pending before the Bombay High Court shall stand transferred to this Court. He further submitted that the matter involved in this OA and the matter involved before the Hon'ble Supreme Court in the aforesaid Civil Appeal are exactly similar. Hence, as now this matter is subjudice before the Hon'ble Supreme Court, the outcome of the said Civil Appeal shall be applicable to the present OA as well. The learned counsel for the applicant agreed to the submission made by the learned counsel for the respondents.

5. Accordingly, in view of the submissions made above by the learned counsel for the parties, the present Original Application is also disposed of with a direction that the outcome of the said Civil Appeal No. 129/2003 shall be applicable in the present OA as well.

(Madan Mohan)  
Judicial Member

(M.P. Singh)  
Vice Chairman

"SA"

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....

पटिलिपि अर्थात् धित:-

- (1) सचिव, उच्च न्यायालय वार एगोरिगेशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/शु.....के काउंसल
- (3) प्रत्यर्थी श्री/श्रीमती/शु.....के काउंसल
- (4) बंशपाल, कोषा, जबलपुर न्यायाधीश सचिवा एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

Typed  
24-8-05

24/8/05

S.P. Vaktekar IND  
J.P. Chandra Sekhri Kari  
ABJ