

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 233 of 2002

Jabalpur, this the 28th day of November, 2003.

Hon'ble Mr. G. Shanthappa, Judicial Member

Gourang Chand Saha
son of Shri Santosh Kumar Saha
aged about 51 years,
Dns L-II Central Excise and customs
opposite Maida Mill, Hoshangabad
Road, Bhopal, resident of Quarter
No.47, Type-III Income Tax Colony
Kotra Sultanabad, Bhopal.

APPLICANT

(By Advocate - Shri Rajendra Gupta)

VERSUS

1. Union of India
through Secretary, Ministry
of Finance (Department of
Revenue) North Block, New Delhi.
2. Secretary,
Central Board of Excise and
Custom, North Block, New Delhi.
3. Principle Chief Controller of
Account Central Board of Excise
and Customs A.G.C.R. Building
first floor New Delhi.
4. Pay and Accounts Officer
Central Excise and customs
Manik Bagh, Palace, Indore.
5. Commissioner,
Central Excise and customs
opposite Maida Mill, Hoshangabad
Road, Bhopal.

(By Advocate - Shri P. Shankaran on behalf of Shri B. da. Silva)

O R D E R (ORAL)

The above OA has filed for a direction to the respondents to pay arrears of amount of Rs.1,10,139/- to the applicant from the period 1.1.1986 to 31.12.1998 with a penal rate of interest @ 18 percent per annum.

2. The grievance of the applicant is that the applicant is entitled for arrears of pay in pursuance to the 4th Central Pay Commission and 5th Central Pay Commission. The applicant



had submitted number of representations, since the representations were not considered, the applicant had approached this Tribunal in OA No. 429/01. This Tribunal has directed the respondents to consider the representation of the applicant and pass a speaking order. In pursuance to the said order the respondents have passed an order dated 6.9.2001, which is a detailed and reasoning order.

3. The case of the applicant is that, in pursuance to the calculation dated 13.4.2002, the respondents have admitted the arrears of pay of Rs. 1,10,139/-. The respondents have contended that the said calculation was wrong, then, subsequently they have passed considered and detailed order with a calculation, the earlier calculation was mistake which is at Annexure-A-7. The rectification has been clarified. Accordingly the applicant entitled only Rs. 77395/-

4. The applicant has produced the order dated 6.9.2001 (Annexure-A-7)

5. The respondents have filed their reply contending that they have taken separate action under order dated 6.9.2001 vide (Annexure-A-7) and also they have given comparative pay fixation of one Mr. Kulu of Raipur Commissionerate. Accordingly to the calculation mentioned in para 10 of the reply, the calculation is seems to be correct. The applicant has not approached the respondents, accordingly certificatory order dated 6.9.2001 was issued.

6. Though the amount has been calculated which is correct. The respondents have issued a letter to the applicant to collect the same. The applicant did not approach the respondents, though the letter issued. Therefore, the said amount has been deposited in the Government account on 13.9.01.



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7. The dispute of the applicant is that the respondents have not properly calculated the amount. They have given calculation on 13.4.2002, ^{another} subsequently, they have reduced the amount by ^{ep} calculation which is not proper.

8. After hearing the applicant and the respondents. The OA is disposed of with a direction to the applicant to submit a representation clarifying his calculation in pursuance to the order dated 6.9.2001. If the objection is submitted within a period of 15 days, the respondents shall consider and clarify once again after issuing the notice and hearing the applicant, ^{ep} then pass a proper and consider order.

9. Admittedly the respondents have deposited amount of Rs. 77395/- in the Government account and the respondents ~~are~~ ^{ep} directed to return ^{ep} to the applicant along with interest @ 18 percent per annum from the 13.4.2000 to 6.9.2001. The said amount has to be calculated and pay the amount to the applicant within a period of ~~xxx~~ ^{ep} 15 days from the date of receipt of copy of this order. The OA is disposed of ^{on the} above direction. No costs.


(G. Shanthappa)
Judicial Member

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Shri Rajendra Gupta Adv. JBP.
Shri B. Dasilva Adv. JBP.


18/12/03

SKM

Received
11.12.03