

**CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH, AHMEDABAD.**

**OA No.544/2017 with MA No.493/2017  
And  
OA No.550/2017 with MA No.495/2017**

**This the 27<sup>th</sup> day of August, 2018**

(i) Anil Ambalal Patel  
Son of Ambalal Patel  
Aged 58 years  
Working as Master Craftsman,  
Resi. At : T-47/4, MES Colony  
Ranjit Sagar Road, Nr. Nanakpuri  
Jamnagar - 361 005.. .... Applicant of OA No.544/2017

(ii) Rathod Shankar Premji  
Son of Premji Rathod  
Aged 66 years  
Occupation : Retired Master Craftman  
Residing at Matru Ashish Society  
Street No.2, Behind TB Hospital  
Jamnagar 361 008. .... Applicant of OA No.550/2017  
(By Advocate : Shri Joy Mathew)

**VERSUS**

1. Union of India,  
Notice to be served through  
the Secretary  
Ministry of Defence,  
South Block,  
New Delhi 110 011.

2. The Chief Engineer  
Southern Command  
HQ, CESC Pune,  
Engineers Branch  
Pune 411 001.
3. Commander Works Engineer (AF)  
Khavda Road,  
Bhuj-Kachchh 370 001.
4. Assistant Garrison Engineer (I) (Army)  
Military Engineer Services,  
Army, Infantry Lines,  
Jamnagar 361 005.(Common Respondents in both OAs)

(By Advocate : Ms. Prachi Upadhyay )

**COMMON ORDER (ORAL)**

**Per : Hon'ble Shri M.C.Verma, Member (J)**

Reply on behalf of Respondent had already been filed and the matter is listed today, for rejoinder, if any. Learned counsel for Applicant made categorical statement at Bar that applicant do not want to file rejoinder.

2. Learned counsel for respondents, at this stage, urged that the matter may be heard for final disposal because sole grievance of applicant which motivated him to prefer this OA was that his juniors, namely, Shri Gosai and Shri Galathiya were given pay

more than him and said grievance has since been redressed. Learned counsel explained that the Department, upon review of Pay Structure found that Shri Gosai and Shri Galathiya were receiving more pay than applicant but due to wrong Pay Fixation and therefore, their pay have been modified and has been reduced. She referred Annexures R-1 & R-2 and submitted that recovery of excess payment paid to aforesaid Shri Gosai and Shri Galathiya is being affected. She added that whatever she is stating at Bar has elaborately been mentioned in reply filed by respondents and that when applicant is not refuting the same, as he is not opting to file rejoinder, this OA has lost its sanctity and may be disposed of.

3. Learned counsel for applicant, upon query whether any grievances remains and why the OA be not disposed off at this stage urged that Pay Structure of aforesaid juniors had been reduced and applicant would now cannot said that he is getting pay lesser than his juniors. Learned counsel, however, added that juniors of applicant were getting more pay than applicant, they had challenged the action of reducing of their pay by respondents in Court of Law and if decision come in their favour, definitely,

applicant would also be entitled to get more pay and therefore, instant OA still survives and can be kept pending.

4. Considered the submission and perused the record of OA minutely. Submission of learned counsel for Applicant based on surmises and conjectures. If matter is taken into its entirety, OA needs to be disposed of as having become infructuous and resultantly, MA No.493/2017 also not survive for consideration.

5. At this stage, learned counsel for applicant informed that on similar issue another OA No.550/2017 is pending disposal in said OA he is the counsel for applicant and that counsel for respondents is also same. The sole grievance of Rathod Shankar Premji, applicant in OA No.550/2017 is also that Shri Gosai and Shri Galathiya, who were junior to him were given pay more than him and as has been noted above, respondents, upon review of Pay structure of Shri Gosai and Shri Galathiya found that their pay has wrongly been fixed and respondents have modified and reduced their pay thereto and therefore, it can be said that the grievance of applicant of OA No.550/2017, Rathod Shankar Premji have been redressed and said OA No.550/2017 can be said to have become infructuous. Learned counsel for applicant and learned counsel for respondent made joint request to call for

the record of OA No.550/2017 and to pass the same order as is being passed in instant OA No.544/2017.

6. Considered the submission. Record of OA No. 550/2017 was summoned and was perused. The issue evolved in OA No. 550/2017 and instant OA No.544/2017 are similar and identical and no legal impediment is there to dispose of both OAs by passing common order.

7. In view of discussions of entirety factual and legal scenario, we found that this OA No.544/2017 preferred by applicant namely Anil Ambalal Patel and OA No.550/2017 preferred by applicant namely Rathod Shankar Premji have become infructuous and by this common order both said OAs are disposed of as infructuous. In view of disposal of OA, MA No.493/2017 pending in OA No.544/2017 and MA No.495/2017 pending in OA No.550/2017 do not remain survive and thus warrant no adjudication.

**(M.C.Verma)**  
**Member (J)**

**(Archana Nigam)**  
**Member (A)**

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