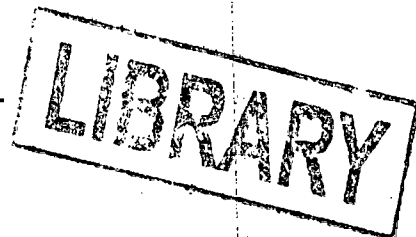


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CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
KOLKATA



No. OA. 1192 of 2013

Date of Order: 11.11.2016

Present : Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member  
Hon'ble Ms. Jaya Das Gupta, Administrative Member

Amarnath Chowdhury & Ors.  
VS.  
M/O Defence

For the Applicant : Mr. TK Biswas, Counsel

For the Respondents : Ms. M. Bhattacharyya, Counsel

Order (Oral)

Justice Shri Vishnu Chandra Gupta, Judicial Member

Heard Id. counsel for applicant and Id. counsel for respondents.

2. The applicant filed this petition claiming the following reliefs:

"8(a) An order directing the respondents to set aside the order dated 19.3.2012 (A-10) and order dated 13.8.2012 (A-12) and further directing the respondents to calculate the actual/proper fixation with effect from initial appointment of the applicants and the applicants are entitled to similar fixation which was getting in Sk. Showkat Ali Morish Samson (Annexure A-11).

(b) Leave may be granted to file this application jointly under section 4(5)(a) of the CAT Procedure Rules, 1987.

(c) Any other order/orders as may be fit and proper;

(d) Costs may be imposed upon the respondents."

3. At the bar it is not dispute that the matter has finally adjudicated upon by the Hon'ble Apex Court. The copy of which has been placed on record. As Annexure A-8, page-37, order dated 16.06.2011 which has been passed in Civil Appeal No. 1475 of 2004, Union of India & Anr. Vs. Gepa

Ram Valveman Ors. Earlier to this petition an original application No. 1556/2009 was filed, which has been disposed of on 04.01.2011. The order reveals that the benefit of pay scale from initial date of appointment was not granted on account of stay order passed by the Hon'ble Apex Court in the pending SLP but it has been categorically stated therein that though the OA was dismissed but it is made clear that this order will abide by the decision of the Hon'ble Apex Court. Hence, in view of above and taking into consideration the other person who had given the similar benefit which the applicant claimed, we have no reason to deny the similar benefit to the applicant.

4. Hence, the petition is allowed. There shall be no order as to costs.



(Jaya Das Gupta)  
Administrative Member



(Justice Vishnu Chandra Gupta)  
Judicial Member

pd