

**Central Administrative Tribunal
Madras Bench**

OA 310/00702/2018

Dated Wednesday the 14th day of November Two Thousand Eighteen

P R E S E N T

**Hon'ble Mrs. Jasmine Ahmed, Member (J)
&
Hon'ble Mr. R.Ramanujam, Member(A)**

R. Gopinathan
Chargeman (Tech/Mech)
P. No. 4087/926257
Heavy Alloy Penetrator Project
Tiruchirappalli – 620 025. .. Applicant

By Advocate **M/s. R. Priyakumar**

Vs.

1. Union of India
The General Manager
Heavy Alloy Penetrator Project
Tiruchirappalli – 620 025.

2. Ordnance Factories Institute of Learning
Represented by its Director
Avadi, Chennai – 600 054.

3. The Ordnance Factory Board
Represented by its Chairman
10-A, S.K. Bose Road
Kolkata – 700 001.

4. Ordnance Factories Institute of Learning
Represented by its Principal Director
Ambernath – 421 502 (M.S.)

5. P. Suresh Kanna
S/o. S. Panchanathan
Working as Skilled Worker
Heavy Alloy Penetrator Project (HAPP)
Trichy – 25. .. Respondents

By Advocate **Mr. M. Kishore Kumar (R1-4)**
M/s. Menon, Karthik, Mukundan & Neelakantan (R5)

ORAL ORDER

Pronounced by Hon'ble Mrs. Jasmine Ahmed, Member(J)

Heard Mr. R. Priya Kumar, counsel for the applicant. The applicants have filed this OA seeking the following reliefs:

“ To call for the records of the first respondent culminating in the impugned letter No. 407, dated 07.06.2018 issued by the respondent as illegal, arbitrary and unconstitutional and set aside the same, consequently direct the respondents allow the applicant to continue to discharge as Chargeman/T(Mechanical) and pass such further or other orders”

2. It is contended by the counsel for the respondents that the relief sought by the applicant before this Tribunal had already been granted to him by order dt. 09.10.2018 which is taken on record to which counsel for the applicant agrees with reservation that in the order dated 09.10.2018 in the last paragraph the respondents had taken a decision in regard to his pay as under:

“Shri. R. Gopinathan from the date of cancellation of appointment to the post of Chargeman/Technical (Mechanical) and withdrawal of the same i.e. 07.06.2016 to 08.10.2018 had not performed the duties of higher post of Chargeman/Technial (Mechanical) and therefore the pay in respect of the individual in the grade of Chargeman/Technical (Mechanical) will be fixed notional and he is not entitled for payment of any arrears for the difference of pay fixed notionally. The Seniority of Shri. R. Gopinathan in the grade of Chargeman will be fixed as per the existing rules in this regard.”

3. Counsel for the applicant states that it is no fault of the applicant that he has not worked in the above said post. Accordingly the respondents should not have taken a decision in this manner.

4. We have heard the contentions of the counsel for the parties. As the main relief is considered and granted by the respondents, we feel it unnecessary to keep this OA pending.

5. Accordingly OA is disposed of. But the applicant is at liberty to make a fresh representation in regard to his pay within two weeks from the date of receipt of certified copy of this order. We have not commented on the merits of the OA.

(R. Ramanujam)
Member (A)

14.11.2018

(Jasmine Ahmed)
Member(J)

AS