

Item-24

24.8.2004

MA-1746/2004 IN

MA-1747/2004

OA-799/2003

Present: Sh. R.N.Singh,
Counsel for respondents in OA.
(applicants in MAs).

OA-799/2003 came up for hearing on 16.10.2003. Thereupon following order had been passed:-

"2. It becomes unnecessary for this Tribunal to ponder applicant's controversies because admittedly in the case of Kusum Sharma vs. Commandant, Central Ordnance Depot in OA-200/2001 decided on 14.12.2001 when the similar relief on same facts was claimed, this Tribunal had disposed of the said petition with the following directions:-

"7. Having regard to the facts and circumstances of the instant case and discussion made above, we direct the respondents to consider the applicant's case for protection of her pay scale as Rs.425-600 since 1.1.1974 under the provisions of CPRO 77/70 read with OA 69/81, as done in the matter of Shri S.C.Upadhyaya. The respondents are directed to pass appropriate orders within a period of three months from the date of communication of these orders. They would also accord consequential benefits to the applicant. The OA is disposed of with the above directions. No costs."

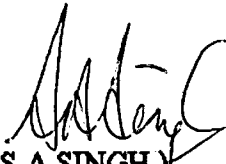
3. The claim of the applicant is identical. Therefore, on parity of reasoning, we dispose of present OA on the same directions as in the case of Smt. Kusum Sharma."

2. By virtue of the present application, respondents seeks clarification of the order contending that audit authorities have found that in judgment of 16.10.2003, under reference, the pay scale in which the applicant is to be given pay protection, as also the effective date of such pay protection, has not been mentioned.






3. In view of the same, clarification is being claimed.
4. It goes without saying that the order had been passed deciding the OA with the consent of parties. It had to be complied with by the respondents. So far as the audit is concerned it has to be dealt by the respondents. Otherwise also the order was a consent order passed in terms of the earlier decision and even the date from which the promotion had to be granted in the scale is mentioned in that order. It requires no clarification. MA is dismissed.


(S.A. SINGH)
Member (A)

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(V.S. AGGARWAL)
Chairman