

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 1802/99

New Delhi: this the 17 day of APRIL, 2001.

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Chain Sukh,

Personal Assistant,

Commission of Railway Safety,

Northern Circle,

Ministry of Civil Aviation,

Chanakyapuri,

New Delhi-21

...Applicant.

(By Advocate: Shri P.P. Khurana)

Versus

1. Union of India,
through

Secretary,
Ministry of Civil Aviation,
Parliament Street,
New Delhi-1

2. Chief Commissioner of Railway Safety,
Ministry of Civil Aviation,
Ashok Marg,
Lucknow-226001

3. Commissioner of Railway Safety,
Northern Circle,
Chanakyapuri,
New Delhi-110021.

4. Administrative Officer,
Solar Energy Centre,
Ministry of Non-Conventional,
Energy Sources,
Block No. 14,
CGO Complex, Lodi Road,
New Delhi -3

.....Respondents.

(By Advocate: Shri D.S. Jagotra)

ORDER

S.R. Adige, VC(A):

In this OA filed on 16.8.99 applicant impugns respondents' order dated 13.5.99 (Annexure-A1) and seeks a direction to respondents to treat the entire period of service rendered by him in the grade of Rs. 1400-2600 (revised to Rs. 5000-8500) commencing from 13.12.91 till

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date for being placed in the higher grade of Rs. 2000-3500 (revised to Rs. 6500-10500).

2. Applicant's case is that he joined as Steno Gr. 'C' in Solar Energy Centre MNES in the pay scale of Rs. 1400-2600 on 13.12.94 (Annexure-A2) and was regularised as such vide order dated 4.3.94 (Annexure-A3). Pursuant to advertisement dated 10/17.8.96 (Annexure-A4) inviting applications for the post of PA (Rs. 1400-2600) on permanent transfer basis, he applied, was interviewed and was appointed as such vide order dated 5.12.96 (Annexure-A5). On 20.10.87 respondents issued an order (Annexure-A6) which provided that PAs to Commissioner Railway Safety would be upgraded from Rs. 1400-2300 to 2000-3200/- provided they fulfilled certain conditions, one of which completion of 7 years' regular service in the grade. On 24.12.98 the earlier orders were modified (Annexure-A-7) such that the 7 years regular service was to be in the same ^{circle} office of Comm. Railway Safety. This was further amended vide another office order dated 24.2.99 (Annexure-A8) whereby the words "Lower grade in the same circle office" were replaced by "Lower grade in the circle office."

3. Applicant states that he represented on 16.3.99 (Annexure-A9) followed by other representations, the last dated 17-5.99 (Annexure-A16) the basic thrust of which is that he became eligible for being considered for being placed in the higher scale on completion of 7 years service on 13.12.98 and the requirement that he had to complete 7 year regular service in the lower grade, was therefore illegal and arbitrary.

4. As both the order dated 20.10.87 (Annexure-A6), as well as the order dated 24.12.98 (Annexure-A7), both of which have been filed by applicant with the OA, speak of

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completion of 7 years of regular service in the lower grade, as an eligibility qualification, applicant cannot be permitted to count his service commencing from 13.12.91 towards eligibility, as the order dated 13.12.91 (Annexure-A2) makes it clear that it was not a regular, but an adhoc appointment, and it would not count for seniority or eligibility for promotion to the next higher grade.

5. The OA is dismissed. No costs.

A. V. Veda Valli
(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A)

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