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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.214/99

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri Govindan S. Tampi, Member(A)

New Delhi, this the 11th day of October, 2000

S.S.Dahiya
s/o late Sh. C.R.Dahiya
r/o village & Post Office Nilauthi
Distt. Rohtak (Haryana). ... Applicant

(By Shri V.P.Sharma, proxy of Shri Yogesh Sharma,
Advocate)

Vs.

1. Union of India through
The Director
Directorate General of Supplies & Disposals
Dept. of Supply, Jeevantara Building
Parliament Street
New Delhi -1.
 2. The Section Officer
Directorate General of Supplies & Disposal
(Administration Section-14)
5, Sansad Marg, New Delhi - 1. .. Respondents
- (By Shri Gajender Giri, Advocate)

O R D E R (Oral)

By Justice V. Rajagopala Reddy:

The applicant was appointed as Technical Assistant on 24.3.1987 on his discharge from the defence services. The grievance of the applicant is that his pay as was drawn before the date of retirement was not protected in the new post. The learned counsel for the applicant submits that Mr. S.N.Dixit who was appointed prior to him in 1985 was granted the pay protection and hence the applicant cannot be discriminated in this regard. The learned counsel for the respondents, however, contends that ~~in~~ ~~view of~~ the Central Civil Services (fixation of pay of re-employed pensioners) order dated 31.7.1986 which

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came into force on 1.7.1986 govern the case of the applicant and in view of the Rule 4, the applicant is not entitled for pay protection.

2. This case appears to be barred by limitation. We have ^{known} gone into the merits of the case and we find that there is no substance on merits. Rule 4 of the order dated 31.7.1986 which provides for fixation of pay of reemployed pensioners makes ^{it} abundantly clear that they are allowed to draw pay only in the prescribed scales of pay for the posts in which they are reemployed. Hence, they are not entitled for pay protection of the post holding by them prior to their retirement. Since the applicant was appointed after the order has come into force the applicant can make no grievance for pay protection, the applicant cannot be placed or compared with the appointment of Mr. S.N.Dixit who was appointed in 1985 ^{as} by that time the order has not come into force. The OA therefore fails on the ground of limitation as well as on merits. The OA is accordingly dismissed. No costs.

(GOVINDAN S. TAMPI)
MEMBER(A)

(V. RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

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