

(20)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No. 4/98

New Delhi: this the 30<sup>th</sup> day of August, 1999.

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

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

R.M. Tripathi,  
S/o Shri R.S. Tripathi,  
Chemical & Metallurgical Assistant,  
Diesel Shed, Northern Railway,  
Tuglakabad,

New Delhi - 110044.

.... Applicant.

(By Advocate: Shri V.P. Kohli )

Versus

Union of India,  
through

1. The Divisional Railway Manager,  
Northern Railway,  
New Delhi.
2. The Senior Divisional Personnel Officer,  
DRM Office, Northern Railway,  
New Delhi.
3. The Sr. Divisional Mechanical Engineer (Diesel ),  
Northern Railway, Diesel Shed,  
Tughlakabad,  
New Delhi- 110 044.

... Respondents.

(By Advocate: Shri P.S. Mahendru )

ORDER

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

Applicant prays that respondents' order dated 3.11.97 (Annexure-A/1) be set aside, and respondent letter dated 21.9.94 (Annexure-A/2) be modified to provide for full weight of adhoc service as C & MA from 9.2.87 till 24.2.93 put in by him. He prays for arrears and pay from 1.3.89 to 24.2.93 and claims difference in pay from 1.5.93 to 30.9.94 with interest and costs.

2. Heard.

3. Admittedly applicant was put to officiate as

C & MA (Rs.1400-2300) on local adhoc temporary basis vide order dated 9.2.87 (Annexure-A-3) without any claim for promotion over that of his seniors. Applicant was also allowed officiating allowances as C & MA vide order dated 10.1.92 (Annexure-A/4). Admittedly also, applicant continued to officiate as such till he was ordered to be reverted vide letter dated 23.4.90 (Annexure-A/5) as the officiating claim was not sanctioned by competent authority and he failed to qualify in the selection for the aforesaid post.

4. Applicant however contends that this reversion order was never implemented and he continued to officiate on the promoted post till 1.3.93 on which date he was regularised as C & MA vide respondents' order dated 5.7.94 (Annexure-A-8) owing to restructuring.

5. Respondents deny that the reversion order dated 23.4.90 was not implemented, and point to applicant's own representation dated 27.4.90 (copy taken on record) in which he admits having been discontinued as C & MA w.e.f. 23.4.90 for not having qualified in the selection. In view of the contents of applicant's own aforesaid representation, it is difficult to agree with him that despite the reversion order, he continued on the promoted post till he was eventually regularised on that post on 1.3.93.

6. However even by respondents' own submission contained in their reply, the emoluments sanctioned to applicant vide order dated 10.1.92 would be admissible to him right upto 23.4.90 and not only upto 28.2.89. Under the circumstance, these emoluments sanctioned by

N

order dated 10.1.92 should be paid to him for the balance period from 1.3.89 upto 23.4.90 ( less what has already been paid ) in accordance with rules and instructions, if not already paid, with interest @ 12% p.a from 1.3.89 till the date of actual payment .

7. Admittedly also applicant was regularised as C & MA through restructuring w.e.f. 1.3.93 and is entitled to the pay and allowances of that post w.e.f. 1.3.93. Under the circumstance, if as claimed by him he has not been paid the pay & allowance of that post from 1.5.93 till 30.9.94, he should be paid the same ( less what he has already drawn ) in accordance with rules and instructions together with interest @ 12% p.a. thereon from 1.5.93 till the date of actual payment .

8. These directions should be implemented within 2 months from the date of receipt of a copy of this order, supported by a detailed and clear calculation chart which should be furnished to applicant.

9. The OA is allowed to the extent contained in paras 6, 7 and 8 above. No costs.

*Lakshmi Swaminathan*  
( MRS. LAKSHMI SWAMINATHAN )  
MEMBER(J)

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

/ug/