

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.1394/95

New Delhi: this the 20th day of September, 1999.

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

HON'BLE MR. KULDIP SINGH, MEMBER (J)

Bhagwati Prasad Juyal,
S/o Late Shri
R/o Village Mohabbewala,
P.O. Mohabbewala,
Clement Town,
Dehradun (UP)

..... Applicant.

(By Advocate: Shri U.S. Bisht)

Versus

Union of India,
through
Secretary,
Ministry of Science & Technology,
Govt. of India,
New Delhi.

2. The Surveyor,
General of India,
Hathi Barkala,
Dehradun (UP).

3. Director,
Map Publication,
Hathi Barkala,
Dehradun (UP).

4. D.G. Resettlement,
Maulana Azad Road,
New Delhi-0011

.... Respondents.

(None appeared).

ORDER

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

Applicant claims pay in the pay scale of Nursing Assistant (Rs.210-270) with arrears and interest and not in the scale of Rs.196- 232.

2. Heard applicant's counsel Shri Bisht. None appeared for respondents.

3. Applicant was appointed as Nursing Orderly vide letter dated 16.6.76 (Annexure-A2) and not Nursing

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Assistant. Applicant himself admits in his representation dated 25.10.80 (Annexure-A6) that the requisition for the post of Nursing Orderly carried the scale of Rs.196-232 and he was appointed as Nursing Orderly in the aforesaid scale.

4. In the light of applicant's own aforementioned admission, his claim that he was appointed as Nursing Assistant (Rs.210-270) fails. Applicant has relied upon respondents' order dated 20.11.74 (Annexure-A-18) abolishing the category of Nursing Orderly in R & D Organisation i.e. PEs of R & D Estt/Labs, but the Map Publication Directorate, Survey of India, Dehradun where applicant was working prima facie is neither an R&D Estt. nor a Laboratory.

5. Applicant's counsel Shri Bisht has also claimed pay protection of applicant's pay as a former Army Havildar and relies upon Order 4(b)(ii) CCS (Fixation of Pay of Reemployed Pensioners) Orders, 1986^{which} figures at page 559 of Swamy's Establishment and Administration 6th Edition 1997. This provision also does not help applicant as it is attracted only where the entire pension is not ignored for pay fixation, which is not the case here. Moreover preceeding Order 4(a) makes it clear that reemployed pensioners such as applicant is not entitled to pay protection in respect of the post held by him prior to his retirement.

6. The OA therefore fails and is dismissed.
No costs.


(KULDIP SINGH)
MEMBER(J)


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

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