

CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH

Original Application No.1511 of 1995

New Delhi, this the 12th day of October,1999

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN(JUDL)
HON'BLE MR. S.P.BISWAS, MEMBER(ADMNV)

S.S.Sachdeva,
Assistant Engineer(C),
O/o SSW(NDZ)I CPWD,
Nirman Bhawan, New Delhi

....Applicant

(By Advocate: None)

versus

Union of India, Through :

1. Executive Engineer(HQ) (Superintending Surveyor
SSW(NDZ-I) CPWD, (of Works, New Delhi,
Nirman Bhawan, (Zone-I)
New DelhiRespondent

(By Advocate: Shri V.S.R.Krishna)

O R D E R(ORAL)

BY HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN(J)

None appeared for the applicant. We have heard Shri V.S.R.Krishna, learned counsel for the respondents.

2. The grievance of the applicant is that though he was regularly appointed to the post of Assistant Engineer(Civil) Group 'B', he was not given the benefit of fixation of pay under F.R.22(i)(a)(i). The applicant stated that the said benefit was given to the applicant before the Calcutta Bench of the Tribunal in OA-241/93 (Ashok Kumar Banerjee vs. Union of India and others) but this benefit has not been extended to the applicant. Therefore he has filed this application praying that the respondents be directed to refix the pay of the applicant in promotional post in terms of F.R. (22)(a)(i) with effect from 1.3.95, with consequential benefits.

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3. The respondents have filed a detailed reply statement. They have, inter alia, raised a contention that the respondents have filed an appeal before the Supreme Court against the order of the Calcutta Bench of the Tribunal in O.A.241/93 and that the operation of the order of the Tribunal has been stayed and, therefore, the applicant is not entitled to the relief that is sought in this application.

4. When the application came up for hearing on 9.5.96, the applicant who appeared in person stated that the order of the Tribunal in OA-241/93 has been stayed by the apex court and the matter is reportedly still pending.

5. Since the issue involved in this case is covered by the decision of the Calcutta Bench of the Tribunal in OA-241/93, if the Hon'ble Supreme Court affirms the decision of the Calcutta Bench, the applicant would be entitled to the same benefit. If the ruling of the Calcutta Bench is reversed, then the applicant will not be entitled to the benefit.

6. Under these circumstances, the application is disposed of directing that in case the ruling of the Calcutta Bench of the Tribunal in OA-241/93 is not reversed by the apex court, the respondents shall give to the

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applicant the same benefits as is applicable to the applicant before the Calcutta Bench of the Tribunal. No costs.

S.P. Biswas
(S.P. Biswas)
Member(Admnv)

A.V. Haridasan
(A.V. Haridasan)
Vice Chairman(Jud1)

/dinesh/