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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 1656 of 1995

New Delhi this the 13th day of February, 1996

HON'BLE MR. JUSTICE P.K. SHYAMSUNDAR, ACTING CHAIRMAN
HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

Shri O.P. Viksit
S/o Shri Khem Chand
R/o C-81 Surajmal Vihar,
Delhi-110 092.Applicant

Applicant in person

Versus

1. The Lt. Governor,
Delhi, through the Chief Secretary,
Government of Delhi,
5, Sham Nath Marg,
Delhi-110 054.
2. The Director,
Directorate of Training and
Technical Education,
C-Block, Vikas Bhawan,
New Delhi 110 002.
3. Controller of Accounts,
Principal Accounts Office,
Morigate,
Delhi-110 054.Respondents

By Advocate Shri Vijay Pandita

ORDER (ORAL)

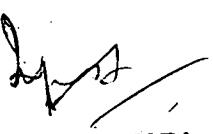
Hon'ble Mr. Justice P.K. Shyamsundar

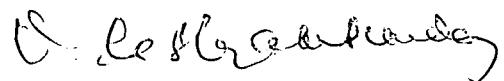
We have heard the applicant in person and also Shri Vijay Panidata, counsel appearing for the respondents-administration. The applicant was given the benefit of salary but not paid arrears in the upgraded position of selection grade to Crafts Instructor with effect from 28.1.1993. Follow up action resulted in re-fixation of pay in the selection grade of Crafts

Instructor is at Annexure G-1, dated 22.4.1993. It, however, transpired that notwithstanding the two orders referred to above, the financial benefits flowing therefrom did not materialise because the department then turned around and said that the applicant having not put in the prescribed number of years of service in the lower cadre of Crafts Instructor and was, therefore, not entitled to the selection grade post of Crafts Instructor, a higher position commanding a higher salary etc. On the basis of the aforesaid ground, the department declined to implement its own order dated 28.1.1993 (Supra.) at Annexure-G at page 41 of the paper-book. We now find that the department has held the applicant disentitled to any follow up action because he had not completed 14 years of service but that perception appears to be wrong. The applicant has been able to demonstrate before us that he was appointed on 16.2.1960 as Crafts Instructor and consequently in 1974, he had completed 14 years of service. He deduces this from the seniority list which is annexed as Annexure H-3, page 49 of the paper book. Therein, the applicant's position is at S.No.62. As against his name, the date of entry into service is mentioned as 16.2.1960. If that be the factual situation, the department could not possibly deny the benefits of the higher selection grade and the appropriate financial benefits flowing therefrom. In that view of the matter, this application succeeds and is allowed. The impugned order at Annexure 1 dated 12.12.94 is quashed. The respondents are directed to treat the applicant

as being in the selection grade of Crafts Instructor in terms
of the order dated 28.1.1993, Annexure-G and ^{be entitled to} all the arrears
of pay etc. arising therefrom should be computed and paid
to the applicant within 3 months from the date of this order.

No costs.


(K. MUTHUKUMAR)
MEMBER (A)


(P.K. SHYAMSUNDAR)

ACTING CHAIRMAN

RKS