

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL  
Principal Bench

O.A. No. 1664 of 1997

New Delhi, dated the 2<sup>nd</sup> January, 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE Mrs. LAKSHMI SWAMINATHAN, MEMBER (J)

Birbal Dass Jain,  
S/o late Shri Birkh Bhan Jain,  
R/o S-VII/975, Pushp Vihar,  
New Delhi. ... Applicant

(By Advocate: Mrs. Kamini Jaiswal  
with Shri Abhijat)

VERSUS

1. Union of India through  
the Secretary,  
Ministry of Personnel, Public Grievances  
and Pensions,  
Dept. of Personnel & Training,  
North Block,  
New Delhi. ... RESPONDENTS
2. Union Public Service Commission,  
through the  
Secretary,  
Dholpur House,  
Shahjahan Road,  
New Delhi.

(By Advocate: Shri S.K. Gupta)

JUDGMENT

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

Applicant seeks benefit of service rendered by him as Stenographer Grade 'B' from 1.7.88 to 30.1.89 and from 22.6.90 to 20.11.90 and pay protection while fixing his pay on his appointment as Section Officer on the basis of Ltd. Deptl. Comp. Exam., with arrears and consequential benefits.

2. Applicant was appointed as Stenographer Grade 'C' in CSSS cadre w.e.f. 28.8.78. As per his own averments he worked as Stenographer Grade 'B' against an ex-cadre post of Stenographer Gr. 'B' from 1.2.88 to 30.6.88 and was reverted to his substantive post of Stenographer Grade 'C' in Fore Noon of 30.6.88. He was again promoted on ad hoc basis as Steno. Grade 'B' from 1.7.88 till 30.9.88, which was further extended from 1.10.88 till 31.12.88 with one day's break, and was then again extended from 1.1.89 to 31.3.89. Admittedly applicant was reverted to his substantive post of Steno. Grade 'C' w.e.f. fore noon of 31.3.89. He was again promoted as Steno. Grade B on ad hoc basis w.e.f. 22.6.90, but was reverted to his substantive post w.e.f. 21.11.90 (FN).

3. Applicant applied to UPSC for S.O./ Stenographer Grade 'B'/Grade-I Ltd. Deptl. Comp. Exam. for the post of S.O./Steno. Grade 'B' and upon qualifying in both categories gave his option for S.O. category and was appointed as S.O. on regular basis w.e.f. 18.1.91.

4. The question for adjudication is whether applicant can get the benefit of pay drawn by him as Stenographer Grade 'B' on ad hoc basis for the purpose of pay fixation as S.O.

5. Mrs. Jaiswal has relied upon DOPT's O.M. dated 27.5.88 but manifestly that O.M. will apply only where a Stenographer Grade 'B' of CSSS is appointed as S.O. on the basis of the S.O.'s Grade LDCE. Applicant was not a Stenographer Grade 'B' but a Stenographer Grade 'C' on the relevant date i.e. 18.1.91 when he was appointed as S.O. and under the circumstance the said O.M. is not applicable in his case. The rulings in 1989 (9) ATC 608 and 1993 (3) ATC 718 relied upon by Mrs. Jaiswal are also not relevant to the facts and circumstances of this particular case.

6. The O.A. is dismissed. No costs.

*Lakshmi Swaminathan* *Adige*  
(Mrs. LAKSHMI SWAMINATHAN) (S.R. ADIGE)  
Member (J) Vice Chairman (A)

/GK/