

CAT

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI**

O.A. No. 862/97
T.A. No.

199

10

DATE OF DECISION 18.12.97

<u>ShM.K.Pushkaran</u>	Petitioner
<u>Shr.B.S.Mainee</u>	Advocate for the Petitioner(s)
Versus	
<u>UOI through GM(NR) and Ors</u>	Respondent
<u>Sh.PS. Mahendru</u>	Advocate for the Respondent

CORAM

The Hon'ble Smt Lakshmi Swaminathan, Member(J)

The Hon'ble

1. To be referred to the Reporter or not? *yes*

2. Whether it needs to be circulated to other Benches of the Tribunal? *X*

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA No. 862/97

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New Delhi this the 18th day of December, 1997.

Hon'ble Smt. Lakshmi Swaminathan, Member(J)
Hon'ble Shri K. Muthukumar, Member(A)

Shri M.K. Pushkaran,
Gestetner Operator,
Under Dy. Chief Signal & Tele-
communication Engineer(MWM),
O/O the D.R.M., State Entry Road,
New Delhi.

..Applicant

(By Advocate Shri B.S. Mainee)

Vs

Vs

Union of India : Through

1. The General Manager,
Northern Railway, Baroda House,
New Delhi
2. The Dy. Chief Signal &
Telecommunication Engineer(MWM),
O/O the D.R.M. Northern Railway,
State Entry Road, New Delhi.

..Respondents

(By Advocate Shri P.S. Mahendru)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J)

The applicant is aggrieved by the failure of the Respondents in not paying ^{him} the salary of Gestetner Operator in Grade Rs.950-1500, but paying him the salary of a Helper Khallasi in Grade Rs.800-1150.

2. The brief facts of the case are that the applicant by notice dated 25.3.1981 was declared passed for the post of Gestetner Operator in Grade Rs.210-270(RS). He was promoted as Gestetner Operator in that grade and posted against the sanctioned post. Shri Maninee, learned counsel for the applicant has submitted that the post of Gestetner

Operator carries the revised scale of Rs.950-1500 (Pre-revised Rs.260-400). He submits that the applicant had made a number of representations regarding giving him lower pay scale of Rs.800-1150 instead of Rs.950-1500 but this has not been granted. He has drawn our attention to the letter issued by the Respondent 1 dated 1/12.12.94 enclosing therewith the Railway Board's letter dated 11.9.97 (Annexure 3). In the schedules to this letter, the post of Gestetner Operator is shown in the scale of Rs. 260-400 and there is also a note that this scale is applicable to the post of Gestetner Operator obtaining in all the Departments. Learned counsel has, therefore, submitted that the applicant ought to have been given the grade of Rs.950-1500 (Revised scale) from the date of his promotion as Gestetner Operator i.e. 25.3.1981 as well as the arrears and increments.

3. The respondents have filed their reply and we have also heard Shri P.S. Mahendru, learned counsel. In the reply, the respondents have stated that the applicant was promoted against the post of Gestetner Operator in the Grade Rs.210-270 which was revised to Rs.800-1150(RPS) by the 4th Pay Commission w.e.f. 1.1.1986. They have stated that the applicant has been working in the said grade till date. They have submitted that the Gestetner Operators in other Departments in HQ Office have been given the grade of Rs.950-1400(RPS), and not Rs.950-1500. Learned counsel for the respondents has confirmed, after consulting — the Departmental representative, who

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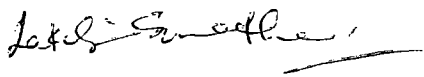
(13)

is present in Court, that the applicant is working in the Microwave Organisation which is an extra-Departmental Office under ^{the} Headquarters. In the reply, they have also stated that Gestetner Operators in Headquarter Office are working in the grade Rs.950-1400 (RPS). As this is a case involving correct fixation of pay, having regard to the observations of the **Hon'ble Supreme Court in M.R.Gupta Vs. UOI and Ors (1995)(5)Scale 29**, the faint submission made by the respondents on the ground of limitation is rejected.

4. In the facts and circumstances of the case, this application succeeds and is allowed to the following extent: The respondents are directed to notionally refix the salary of the applicant in the Grade Rs.260- 400 (pre-revised) from the date he was promoted to the post of Gestetner Operator and later revised to Rs.950-1400(RPS) from the due date, in accordance with the relevant rules/instructions. However, he shall be entitled to be paid the difference of pay and allowance in the scale of Gestetner Operator from eighteen months from the date of filing of the OA. The difference of arrears of pay and allowances shall be paid to the applicant within a period of three months from the date of receipt of a copy of this order.

No order as to costs.


(K. Muthukumar)
Member(A)


(Smt. Lakshmi Swaminathan)
Member(J)

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