

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

O.A.No. 2299/94

New Delhi, this the 22nd day of July, 1999

HON'BLE MR. JUSTICE D.N. BARUAH, VICE CHARIMAN (J)
HON'BLE MR. N. SAHU, MEMBER (ADMNV)

Shri Ganga Ram aged about 50 years,
S/o Shri Dhula Ram,
R/o Gaon Shahbad Mohamed pur,
New Delhi-110 061.

....Applicant

(By Advocate: Shri Surinder Singh)

Versus

1. Union of India
through: Defence Secretary,
Ministry of Defence,
South Block, New Delhi.
2. Chief of the Army Staff
DHQ P.O.
South Block, New Delhi-110011
3. The Commandant,
O.D. Shakurbasti,
Delhi-110056.
4. Smt. Shanti Devi,
W/o Shri Kushi Ram, Ticket No. 2221
C/o Personnel Officer (Civ),
O.D. Shakurbasti,
Delhi-110056.
5. Smt. Shanti Devi,
W/o Shri Lal Singh, Ticket No. 2230
C/o Personnel Officer (Civ)
O.D. Shakurbasti, Delhi-110056
6. Smt. Janak Dulari Ticket No. 2281
S/o Shri Maheshwari Pal,
C/o Personnel Officer (Civ)
OD Shakurbasti, Delhi - 56.

....Respondents

(By Advocate: Shri B.K. Aggarwal, through proxy counsel
Shri Rajeev Bansal)

O R D E R (ORAL)

By Baruah, J.-

The applicant was appointed Tailor as far back in
July, 1964. In 1966, he was declared surplus and was

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reverted with effect from 1.8.1966. He remained as Mazdoor for six years. When a vacancy occurred, he was appointed as Tailor in December, 1972. The grievance of the applicant is that when he was declared surplus and reverted to the next post i.e. Mazdoor, he should have been allowed to draw the same pay. At that relevant time, the applicant's basic pay was Rs.89, however, he was offered Rs.72/-. When the applicant was appointed, as per the provisions of Rule, his seniority of the service, cadre and group, should have been restored which was not done in his case. Being aggrieved, he submitted representation before the authority and the authority disposed of the representation by the impugned order dated 23.4.94 (Annexure A-1), rejecting the claim. Hence the present application.


2. We have heard Shri Surinder Singh, learned counsel for the applicant and Shri Rajeev Bansal, proxy ^{counsel} for Shri B.K. Aggarwal, learned counsel for the respondents. We have also perused the application and the counter with the annexures. Shri Surinder Singh has drawn our attention to Swamy's Complete Manual on Establishment & Administration, 4th Edition, 1993 at page 511. As per Rule 12, sub-rule (3) of the said Manual, on appointment, the appointee shall be restored his seniority in the service, cadre or group, as was enjoyed by him prior to his being rendered surplus. Shri Singh ^{has} further drawn our attention to the same book, Clause 5(ii) page 507. We quote the said provisions as under:-

"When redeployed in a post carrying a lower scale of pay, the surplus employee shall be permitted to carry his current pay scale along with him to the next post but this benefit shall not be extended where, despite availability of a post in a matching or a higher pay scale, a person is redeployed in a post carrying a lower pay scale at his own request."

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3. We find sufficient force in the submissions of Shri Surinder Singh so far as granting of seniority is concerned. Accordingly, we direct the respondents to grant the applicant the benefit of seniority in the service, cadre and group in terms of Rule 12 (3) of Swamy's manual, referred to above. Regarding the arrears of pay, we direct the respondents to consider the same in accordance with the Rules, as early as possible at any rate but within two months from the date of receipt of this order. No costs.


(N. Sahu)
Member (Adminv)


(D.N. Baruah)
Vice-Chariman (J)

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