

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH : NEW DELHI

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O.A. No.1949, of 1988

15th Day of December 1993

Hon'ble Shri J. P. Sharma, Member(J)

Hon'ble Shri B. K. Singh, Member(A)

Shri Dina Nath

S/o Shri Khem Chand

R/o B-140 Mansarovar Garden

NEW DELHI-15

... Applicant

By Advocate Shri V. P. Sharma

Vs.

1. General Manager

Northern Railways

Baroda House

NEW DELHI

2. Divisional Railway Manager

Northern Railway D.R.M. Office

NEW DELHI

.... Respondents

By Advocate Shri P.S. Mahendru

O R D E R

By Hon'ble Shri B. K. Singh, Member(A)

This OA.1949 of 1988, Shri Dina Nath as applicant and General Manager, Northern Railways & Anr., has not been filed against any particular order.

The petitioner only seeks higher pay on the basis of extra workload handled by him during his posting as Booking Clerk, Daya Basti Railway Station, Delhi, w.e.f. 11.9.1985 to 30.6.1988.

2. The applicant joined Northern Railways on 30.6.1950 and retired from service as Senior Booking Clerk, Daya Basti Railway Station, Delhi on 30.6.1988. The applicant worked at the aforesaid Station w.e.f. 11.9.1985 to 30.6.1988.

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3. The applicant has prayed that he should be paid Rs.1,47,840/- which is the difference of pay <sup>and</sup> scale/allowances admissible to him w.e.f. 11.9.1985 to 30.6.1988 for performing duties of a higher post which carried the pay scale of Rs.1600-2660 although he was in the pay scale of Rs.1200-2040.

4. A notice was issued to the respondents who filed their reply and contested the application and opposed the grant of relief prayed for. We heard the learned counsels, Shri V. P. Sharma for the applicant and Shri P.S. Mahendru for the respondents and perused the records of the case.

5. It is admitted by both the parties that there was only one post of Booking Clerk at Daya Basti Railway Station, Delhi. It is also admitted by both the parties that the applicant was in the pay scale of Rs.1200-2040 and that he was transferred to work at the aforesaid Station in his own grade. It is further admitted by both the parties that the petitioner was posted there when a duly notified person in that grade, Shri Ram Kumar Meena did not join at Daya Basti Railway Station, Delhi.

6. Notification No.758 E/41/XXIV(P2) dated 26.5.1986 had notified Shri Ram Singh Meena who was working in the grade of Rs.1400-2300 (RPS), was promoted on officiating basis in the grade Rs.1600-2660(RPS). But this posting was also subject to passing P 7A Course from Chandausi school. The order also ~~stated~~ laid down that if Shri Meena failed in P 7A Course, he would be reverted in the grade Rs.1400-2300(RPS) without any notice from the



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Northern Railways. There is a further notification issued from the office of the D.R.M. where 22 persons who were in the grade of Rs.1600-2660(RPS) were transferred in their grades. In this, Shri Ram Singh/Natha Singh who was working at Nizamuddin Railway Station was transferred to Daya Basti Railway Station. It seems that even this notification could not be implemented because the notified person in that grade did not join at his place of posting at Daya Basti Railway Station.

7. It is also admitted by both the parties that the present applicant was neither in the grade of Rs.1600-2660 nor was he in the grade of Rs.1400-2300, another grade higher than the one in which the applicant was working. The applicant was working in the grade of Rs.1200-2040. Thus, he was two grades below the sanctioned post against which he was appointed to work in the exigencies of public service. A perusal of the records shows that the applicant was not entitled to a posting in the higher grade of Rs.1600-2660 and he was posted in his own grade. ~~and requirements~~ Two persons senior to him - one in the scale of Rs.1400-2300 had been given officiating promotion subject to his passing P 7A Course from Chandausi school and in case of failure he was to be reverted to the scale of Rs.1400-2300; in the second notification Shri Ram Singh/Natha Singh was posted but he also did not join, may be due to adverse service conditions. The fact remains - first, one was given officiating promotion and the second was given regular appointment but none of them joined. The applicant is admittedly in the junior scale of



Rs.1200-2040 and could not have been considered for a regular posting, because he was working in a scale which was two grades below those who are considered for posting either in officiating capacity or in a regular manner. Shri Ram Kumar Meena was being promoted from Rs.1400-2300 to 1600-2660 and he did not join apprehending failure in P-7A Course from Chandausi school. Shri Ram Singh who was in the scale of Rs.1600-2660, was posted on regular basis but he also did not join. It is clear from the records that when the applicant joined, this post had not been upgraded in the scale of Rs.1600-2660. During the course of arguments, it was argued by the learned counsel for the respondents that the post of Booking Clerk, Daya Basti Railway Station was upgraded in the scale of Rs.1600-2660 only from 30.6.1987. He further argued that the applicant was paid his salary and other allowances as per his entitlement and nothing extra is admissible to him. He also rebutted the arguments of the learned counsel for the applicant that he had to shoulder extra burden. The question of extra burden could arise only when there are two posts. There is only <sup>one</sup> sanctioned post of Booking Clerk and the applicant was discharging the duties attached to that post.

8. It is clear that in normal course, the applicant is not entitled to two grades above his entitlement. He was holding a post in the scale of Rs.1200-2040 and the post of Booking Clerk, Daya Basti Railway Station got upgraded in the scale of Rs.1600-2660 <sup>30.6.1987</sup> u.g.f. / Just because a particular post has been upgraded, does not entitle a person to get that scale of pay. For getting a higher pay scale, the applicant would have

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been required to clear hurdles of selection through a DPC - first, for grade Rs.1400-2300 and only after successful performance in that grade, he could have been considered for further promotion to grade 1600-2660. His posting there against the only one post of Booking Clerk, was in fortuitous circumstances and as such in normal course, he is not entitled to anything beyond what was admissible to him and this was paid to him. Without passing through the test of selection where merit and seniority are the criteria, the applicant cannot be entitled to a promotion even in the grade of Rs.1400-2300. The officiating promotion also is possible only to a person holding a post in that scale. But the applicant certainly was not in that scale also. No case has been made out for the double jumps and the Tribunal is not competent to tell the Railways Authorities to give him the pay scale where two promotions are involved and the promotions are through the method of selection where merit takes precedence over seniority according to the Railway Establishment Manual. He did not perform the duties of another post and therefore is not entitled to additional remuneration. For any extra work, he may be paid overtime on the basis of duty roster.

9. In his letter addressed to Divisional Personnel Officer, Northern Railway which was simply forwarded by the Station Master, Daya Basti Railway Station, the applicant prayed for job analysis of his duty roster and overtime for excess time duty performed by him. It is only while filing the O.A., that a particular letter was addressed for salary of a higher post and



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overtime. This is just a ploy to claim the emoluments of a higher post to which he was not entitled without crossing two stages of a higher pay scales and without passing through the hurdles of selection.

10. It would meet the ends of justice if the respondents consider the case of the applicant for payment of overtime on the basis of duty roster as prayed for by him in his two representations prior to filing of this U.A. and we order accordingly.

Cost on parties.

*B* 15/12/93  
(S. A. Singh)  
Member (A)

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(J. P. Sharma)  
Member (J)

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