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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH,
NEW DELHI.
* * *

Date of Decision: 16.3.83

OA 687/86

AJIT SINGH RANA & 12 ORS. ... APPLICANTS.

Vs.

DELHI ADMN. ... RESPONDENTS.

CORAM:

HON'BLE SHRI J.P. SHARMA, MEMBER (J).
HON'BLE SHRI S.R. ADIGE, MEMBER (A).

For the Applicant ... IN PERSON.

For the Respondents ... NONE.

J U D G E M E N T

(DELIVERED BY HON'BLE SHRI S.R. ADIGE, MEMBER (A).)

This is an application filed by Shri Ajit Singh Rana & 12 others for fixation of pay and payment of arrears in Grade-II (Executive) in Delhi Adm. consequent to the re-fixation of their seniority.

The applicants, who were recruited to Grade-IV (Executive) of the Delhi Adm. Subordinate Services on different dates between the years 1958-60 and were subsequently promoted to Grade-III had filed this OA dated 3.9.86 praying that the respondents be directed to revise their seniority with reference to their dates of promotion from Grade-IV to Grade-III, and to give them all consequential reliefs including promotion from Grade-III to Grade-II from the due dates, on the basis of revised seniority, together with arrears of salary and other emoluments on account of such retrospective promotions.

While this OA was pending disposal, the respondents (Delhi Adm.) issued order dated 19/24.12.86 (Annexure R-1) showing the applicants as being appointed on regular basis in Grade-II (Executive) from the dates noted against each, in the years 1980, 1983 and 1984. By another order dated 19/24.12.86 (Annexure R-2), the applicants have been given assumed seniority in Grade-II (Executive) from 2.4.78, and consequently the respondents (Delhi Adm.) have issued a revised final seniority list dated 2.1.87 of Grade-II (Executive) Officers of Delhi Adm. Subordinate Services cadre as on 3.12.80 (Annexure R-3) in which the names of the applicants find proper placement.

This position has been conceded by the applicants in their rejoinder to the additional reply filed by the respondents, and their claim now is limited to fixation of pay and payment of arrears consequent to their revised seniority.

As regards the applicants claim above, the respondents have stated in their additional reply that the applicants had received their pay and allowances from the date they joined the post of Grade-II (Executive) consequent to their adhoc promotion from Grade-III (Executive) on the dates noted against each. The applicants being Govt. servants, their pay and allowances are governed by the provision of FR 17, sub-rule(ii) of

which lays down that subject to any exceptions specifically made in these rules and to the provision of sub-rule(2), an officer shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date when he assumes the duties of that post, and shall cease to draw them as soon as he ceases to discharge those duties; provided that an officer who is absent from duty without any authority shall not be entitled to any pay and allowances during the period of such absence. Sub-rule (2) provides that the date from which a person recruited overseas shall commence to draw pay on first appointment shall be determined by the general or special orders of the authority by whom he is appointed. The respondents aver that in view of the above provisions, the petitioners are not entitled to pay and allowances from a date from which they had never worked in the post of Grade-II (Executive), and hence the claim to that extent is liable to be dismissed.

The applicant appeared in person and was heard.
None appeared for the respondents.

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The applicant has not given any convincing reply to the respondents averment which is based on the fundamental and well settled principle that a Govt. Servants pay and allowances are regulated by FR 17 and he is entitled to pay and allowances of a post only from the date he actually

worked on that post. Hence, the question of refixation of pay, grant of arrears etc. consequent to revision of seniority does not arise. ^{As} Our view is supported by the Supreme Court decision reported in 1989 (1) SCALE p 330.

Under the circumstances, this prayer for refixation of pay and payment of arrears has no merit and is accordingly dismissed. No costs.

S.R. Adige

(S.R. ADIGE))
MEMBER (A)

J.P. Sharma
16.3.93

(J.P. SHARMA)
MEMBER (J)