

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

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NEW DELHI

R.A. 157/89 In
O.A. No. 8167/88
T.A. No. OA 816/88

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DATE OF DECISION 10th August, 1990

Shri H.V. Dasan

Petitioner

Shri M.R. Bhardwaj

Advocate for the Petitioner(s)

Versus
Union of India & Others

Respondent

Shri P.P. Khurana

Advocate for the Respondent(s)

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The Hon'ble Mr. P. Srinivasan, Administrative Member

The Hon'ble Mr. D.K. Agarwal, Member (Judicial)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(Judgement delivered by Hon'ble Mr. P.
Srinivasan, Member)

OA-8167/88 was disposed of on 18.5.1989 by one of us (P. Srinivasan) sitting as a Single Member. The applicant in that O.A. was promoted to the Junior Administrative Grade (JAG) of the P. & T. Accounts & Finance Service w.e.f. 28.5.1981. His juniors, a certain Shri P. Francis and others, were similarly promoted to J.A.G. after 5.10.81. In view of an Office Memorandum dated 5.10.1981 issued by the Department of Personnel, the initial pay of Shri Francis and others on promotion to J.A.G. was fixed at a figure higher than that being drawn by the applicant at the time. The applicant's representation for stepping up his pay to equality with that of Shri P. Francis and Others from the

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date of their promotion, was rejected because the applicant retired from service before his promotion to J.A.G. was made regular. He was aggrieved with this decision.

2. While disposing of the said OA-8167/88, this Tribunal observed that Shri Francis had been given regular promotion to JAG on the recommendation of ^{the} D.P.C. ^M which was held in July, 1986, by which date the applicant had retired. The Tribunal observed that "The least that the respondents could have done in this case, was to consider the case of the applicant for regular promotion in the D.P.C. which was held in July, 1986: if he could not be appointed to that grade on regular basis because he had already retired by then, he could be given the benefit of stepping up his pay notionally for the purpose of computing his retirement benefits." Accordingly, the respondents were directed that "the applicant's pay as on the date of his retirement, should be fixed as if he had been regularly promoted to the post of J.A.G. by that date, ~~the~~ stepping up his pay notionally to the figure that his juniors, Shri Francis and others, were drawing at that time; the respondents will then compute his pension and other retirement benefits in accordance with such pay."

3. It appears that after the above order was passed, the case of the applicant for regular promotion to J.A.G. was considered along with the cases of his juniors and he was given regular promotion. His pay as on the date of retirement, i.e., on 31.5.1986, was stepped up from Rs.4325/- to Rs.4575/-, the pay which Shri Francis and

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others were drawing on that day. His pension was calculated as if he drew that higher pay only for one day, i.e., on 31.5.1986, thereby in effect, leaving the pension determined earlier practically unchanged.

4. In this review application, the applicant really seeks a clarification of our earlier order. This application came before a Bench of this Tribunal on 8.8.1990, when Shri P.P. Khurana, learned Central Government Counsel, was directed to take notice for the respondents and the matter was fixed for today. However, when the matter was called up, none appeared for the respondents. Shri M.R. Bhardwaj, learned counsel for the applicant, made his appearance. Since what is required is only a clarification of our original order, we proceed to dispose of the R.A. after hearing Shri Bhardwaj.

5. In our earlier order, our intention was that the applicant ~~is~~ ^{we} approved for regular promotion as of July, 1986, when the D.P.C. met for the purpose, his pay should be stepped up notionally to equality with that of Shri Francis and others for computing his retirement benefits. When we said "notionally", we meant that no arrears of pay would be admissible to him till the date of retirement. However, for the purpose of calculating his pension and other retirement benefits, he should have been deemed to have drawn the same pay as Shri Francis and others from the date of their promotion. It was not our intention that for the purpose of calculating the applicant's pension, his pay should be stepped up to equality with that of Shri Francis and others only on the date of his

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retirement. Our intention is clear from the original order itself. However, by way of abundant caution, we hereby clarify that for the purpose of determining the retirement benefits of the applicant, he shall be deemed to have actually drawn the same ^{as M. Pay} as Shri Francis and others from the date of latter's promotion to J.A.G., though he will not be entitled to any arrears of pay till the date of his retirement. We direct the respondents to calculate the retirement benefits of the applicant accordingly and disburse the same to the applicant expeditiously.

6. The Review Application is disposed of on the above terms, leaving the parties to bear their own costs.

D.K. Agarwal
(D.K. Agarwal)
Member (Judicial)

P. Srinivasan
(P. Srinivasan)
Administrative Member