

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI.

REGN.NO.O.A.2491/90.

Date of decision: 19.5.1993

Om Prakash Taneja & Ors.

..Petitioners.

Versus

Union of India & Ors.

..Respondents.

For the Petitioners.

Shri V.P. Sharma, Counsel.

For the Respondents.

Shri Romesh Gautam, Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. I.K. Rasgotra, Member(A))

The petitioners in this case are aggrieved by the order of the respondents issued on 27.7.1990 according to which CGI (Rs.330-560) who were appointed as CGI (SG) Rs.425-700 (Non-functional), their pay should be re-fixed under Rule 2017 (a-ii) (FR-22 a-ii)R-II on Notional Basis from the date of their appointment as CGI(SG) by taking the special pay of Rs.35/- into account and the actual benefit will be allowed only from 1.9.1985.

2. The respondents in their counter affidavit at page 7 in paragraph 4 have clearly stated that the posts of selection grade CGI were redesignated as Sub Heads w.e.f. 1.1.1984 together with additional posts created on account of restructuring the cadre and those promoted as Sub Heads w.e.f. 1.1.984 were given fixation in terms of Railway Board's letter No PC/84/UPG/ 19 dated 25.6.1985.

3. The learned counsel for the petitioners Shri V.P. Sharma, states that the petitioners were promoted only after restructuring of the cadre w.e.f. 1.1.1984 and they

were not promoted to the post of CGI (SG) which was non-functional. Since the petitioners were promoted after the selection grade CGI were redesignated and merged as Sub Heads w.e.f.1.1.1984 which is a functional grade, it is clear that the petitioners would have assumed higher responsibility on their promotion on or after 1.1.1984. However, the contention that the petitioners were promoted on or after 1.1.1984 is contested by the learned counsel for the respondents. He submits that the petitioners were promoted prior to 1.1.1984. In case the petitioners were promoted to the grade of CGI (Selection Grade) prior to 1.1.1984, their pay has to be fixed in accordance with paragraph 2(b) of the respondents' letter dated 27.7.1990. This is for the reason that Selection Grade CGI post was non-functional and consequent to this promotion there was no assumption of higher responsibilities and duties. If, however, the petitioners were promoted on or after 1.1.1984 after the posts of CGI (Selection Grade) were redesignated as Sub-Head consequent to restructuring of the cadre w.e.f. 1.1.1984, they would be entitled to fixation of pay under paragraph 2(a) of the impugned letter dated 27.7.1990 which means they will be entitled to the benefit of pay under Rule 2018-B (FR 22-C)RII on notional basis from the date of their promotion by taking the special pay of Rs.35/- into account and the actual benefit being allowed w.e.f. 1.9.1985. I observed that neither the petitioner

nor the respondents have clearly brought out the actual dates when the petitioners were promoted. The respondents are, therefore, directed to verify the cases of the petitioners and fix their pay in accordance with the observations made above if they are found eligible within a period of 4 months from the date of communication of this order. The O.A. is disposed of accordingly. No costs.

  
(I.K. RASGOTRA)  
MEMBER(A)

'SRD'  
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