

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

O.A.2866/91

DATE OF DECISION: 10.12.92

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Surinder Kumar

Gupta

.. Applicant

versus

Union of India

& others

.. Respondents.

Sh.M.K.Gupta

.. Counsel for the applicant.

Sh.K.K.Patel

.. Counsel for respondent No.2
and 3.

Respondents No.1 and 4 remain
ex-parte and they have not
filed their counter.

CORAM:

The Hon'ble Sh.Justice Ram Pal Singh, Vice Chairman(J)

The Hon'ble Sh.I.P.Gupta, Member(A).

J U D G E M E N T (ORAL)

In this application the short point ^{made} ~~laid~~ by
the applicant is that annexure 10 which is an amended
application is legally incorrect in the sense that the
respondents are continuing him in the scale of Rs.1200
- 2040 notwithstanding the fact that the penalty which
was imposed in 1987 for reduction from Rs.1400 - 2300
to 1200 - 2040 for two years with future effect ^{ceased} ~~seized~~
in 1989 on completion of 2 years. Doubtless, ^{by} this
penalty was ^{imposed} ~~proved~~ and was to affect future increments
and therefore, the period of two years would not

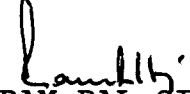
entitle him to any increment but the applicant should be restored to the scale of Rs.1400-2300 on the pay that he drew prior to the imposition of the penalty, on expiry of the period of currency of penalty. The learned counsel for the respondents said that the applicant was transferred from Ajmer Division with bottom seniority according to the understanding given for such transfer. Therefore, this bottom seniority has relevance with ^{reference} ~~relevance~~ to the incumbents in the grade of Rs.1400 - 2300 and not in the grade of Rs.1200 - 2040. (14)

Therefore, the order dated 8.4.91 (annexure 10) is set aside to the extent that the applicant was disallowed the grade of Rs.1400-2300 even on expiry of the period of penalty and the applicant should be put back at the bottom seniority in the grade of Rs.1400 - 2300 of his transfer from Ajmer Division. Consequently, the benefits as a result of putting back the applicant in the grade of Rs.1400 - 2300 on expiry of the period of penalty should also follow.

With the aforesaid direction and order the O.A. is disposed of with no order as to costs.


(I.P.GUPTA)

MEMBER(A)


(RAM PAL SINGH)

VICE CHAIRMAN(J)