

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI**

MP-1858/93 In
O.A. No. 3123/91
T.A. No.

199

DATE OF DECISION 26.8.1993

<u>Shri R. S. Negi</u>	Petitioner
<u>Shri R. S. Bisht</u>	Advocate for the Petitioner(s)
Versus	
<u>Union of India</u>	Respondent
<u>Shri N. K. Aggarwal</u>	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. J. P. Sharma, Member (Judl.)

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

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 (Oral)

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

The applicant filed this O.A. in December, 1991 praying for the grant of certain reliefs regarding payment of salary and other dues for the period from 13.11.1987 to 18.6.1989 and also to regularise his services from 9.4.1987 onwards. He has also prayed for fixation of his seniority on the date of his appointment, i.e., 29.9.1986. Subsequently, this application was got amended and the applicant filed an amended application on 23.6.1993. In this amended application, the applicant has totally changed his grievance projected in the earlier O.A. Now, the grievance agitated by him is regarding

fixation of pay on the post of Enquiry-cum-Reservation Clerk to which he has been given an alternative employment by virtue of the direction given in OA-2362/88 decided by the Principal Bench by the order dated 27.3.1989. He has desired that his pay be refixed, taking into account his previous service rendered by him in the pay-scale of A.S.M. from 10.12.1985. The relief mentioned in sub-para.1 of para.8 at serial No.II and III are consequential to the main relief regarding payment of increment of arrears of salary on account of refixation of pay.

2. The next relief claimed by the applicant is regarding fixation of his seniority at the appropriate stage in the cadre of Enquiry-cum-Reservation Clerk from the date ~~10.12.1985~~ he joined in June, 1989, taking into account his earlier service rendered by him as ASM from 10.12.1985.

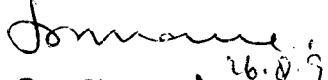
3. The applicant has also filed M.P. for condonation of delay. Shri N.K. Aggarwal, Advocate, appears for respondents, but ^{he} is not present. Departmental representative is also not present on behalf of the respondents.

4. We have heard the learned counsel for the applicant at length on the point of admission of this application. The contention of the learned counsel is regarding the refixation of pay as Enquiry-cum-Reservation Clerk w.e.f. June, 1989, when the applicant joined, the onus lay on the respondents because the respondents have intimated the applicant about the provisional fixation of his pay in the

scale of Rs. 1200-2040. There is no controversy regarding this contention, but the fact is that the applicant has rushed to the Tribunal in December, 1991 for getting such reliefs which either do not flow from the direction issued in the decision of this Tribunal in OA-2362/88, nor a consequence of the order of medical decategorisation of the applicant. In view of the above facts, the question of seniority of the applicant as well as refixation of his pay are for the first time raised in the amended application are reliefs which are premature. The applicant to make a representation to the respondents regarding both these reliefs, if so advised, and if he still feels aggrieved, he can assail the final order passed against him. The application is, therefore, dismissed at the admission stage as premature.



(B.R. Singh)
Member (A)



J.P. Sharma
Member (J)