

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.1698/92

(18)

New Delhi, this the 20th day of January, 1994.

SHRI J.P.SHARMA, MEMBER (J).

Harbhajan Singh,
son of Sardar Surat Singh,
Assistant Signal & Telecom Engineer,
Northern Railway, Rewari,
(Haryana).

...Applicant

(By advocate: Shri V.P.Sharma)

VERSUS

1. Union of India, through
The General Manager,
Northern Railway, Baroda House,
New Delhi.
2. The General Manager (P),
Northern Railway, Baroda House,
New Delhi.
3. The Divisional Railway Manager,
Northern Railway, Bikaner.

...Respondents

(By advocate: Shri M.K.Giri, proxy for
Shri P.S.Mahendru)

O R D E R (ORAL)

The applicant has filed this application for non-fixing of his pay of the post of Chief Signal Inspector in the grade of Rs.2375-3500 to which post he was given officiating promotion by the order dated 9-6-1988 along with one Shri Rashid Ahmed and this officiating promotion was against a Work Charge post created in Bikaner. At that time, the applicant was working as Signal Inspector Grade I in the scale of Rs.2000-3200. The applicant, however, was subsequently given a promotion to the post of Assistant Signal & Telecom Engineer (ASTE) at Allahabad in the grade of Rs.2000-3500 where he joined duties on 22-5-89. The

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applicant made a representation in January 92 for issue of a proper pay fixation order in view of the fact that earlier to it in June 1988, the applicant was promoted as Chief Signal Inspector in the grade of Rs.2375-3500.

2. A notice was issued to the respondents who filed the reply and contested the grant of the relief to the applicant on the ground that the applicant though given a promotion but since senior to him Shri Rashid Ahmed was not given posting order and ^{there} ~~no~~ was only one post, the applicant was not posted to the post of Chief Signal Inspector. The query was made from the headquarter ^{as} and it was headquarter controlled post and before the reply could be received, the applicant was given promotion as ASTE which is an ex-cadre post at Allahabad where he joined in May, 1989. The respondents have also annexed with the reply letters dated 8-8-88 and 6-4-89 in support of their contention.

3. The arguments were heard yesterday when Shri P.S.Mahendru appeared for the respondents. Shri V.P. Sharma while concluding his arguments yesterday prayed for some time to file some circular of the Railway Board whereby the benefit of a promotion order irrespective of the fact of joining of the promotional post had to be given in the fixation of pay scale. The arguments are resumed today and Shri M.K.Giri appears as proxy counsel for Shri Mahendru.

4. Having given a careful consideration to the

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rival contentions of the parties, I find that the applicant has no case for fixation of pay on the basis of the pay of the Chief Signal Inspector in the grade of Rs.2375-3500. It is because of the reason that the applicant never joined on that post and further the benefit of the pay in a post can only be given when the applicant has actually discharged the functions physically on the post. There may be some case where a person may be deprived to **discharge his** functions but it is not the case here. Before the respondents could get a reply from the headquarter, the applicant has willingly joined the post of A.S.T.E., an ex-cadre post at Allahabad.

5. In view of the above facts and circumstances, the application is totally devoid of merits and is dismissed, leaving the parties to bear their own costs.

J. P. Sharma

(J.P.SHARMA)
MEMBER(J)

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