

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.No.2679/92

(10)

New Delhi this the 2nd Day of November, 1993.

THE HON'BLE MR. B.N. DHOUNDIYAL, MEMBER(A)

Sh. D.N. Singhal
Resident of
Turab Nagar,
Ghaziabad.

.... Petitioner

(By advocate Sh. M.L. Sharma)

versus

1. Union of India
through Secretary,
(Ministry of Railways)
Railway Board,
Rail Bhawan, New Delhi.
2. General Manager,
Northern Railway,
Hd.Qrs.office,
Baroda House,
New Delhi.
3. Chief Personnel Officer,
Northern Railway,
Hd.Qrs.Office,
Baroda House,
New Delhi.

(By advocate Sh. Shaukat Matto)

ORDER(ORAL)

The applicant is working as Head Clerk under Supdt. Telegraph Railways, Northern Railway. He is aggrieved by the impugned notice dated 5.8.1992 whereby his pay has been incorrectly fixed without first allowing him special pay of Rs.70/- from 1.11.1990. The applicant was working as Senior Clerk Grade w.e.f. 1.5.1982 and was promoted as Head Clerk in the pay scale of Rs.1400-2300 w.e.f. 1.5.1992. 10% of the posts of Senior Clerks were to be identified having the duties of complex and important nature in each seniority groups in the category of senior Clerks and those appointed on these posts were to be given a special pay of Rs.35/- (later revised to

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Rs.70/- P.M.). The post of Senior Clerk enjoying Rs.70 P.M. fell vacant on 1.11.1990 and as senior most Senior Clerk the applicant was entitled to this post. The order date 24.2.1990 clearly states that Sh. D.N. Singhal Senior most Clerk will be put to work on pin pointed seat enjoying a special pay.

In the counter filed by the respondents, the main averments are these. It is admitted that the applicant was senior most Senior Clerk and was appointed to officiate as Head Clerk w.e.f. 1.5.1992. The applicant's case for allowing special pay of Rs.70/- was considered by the competent authority but as his confidential report was adverse, he was not allowed special pay of Rs.70/- for the purpose of fixation of pay as Head Clerk. They have contended that it is for this reason that no formal order for posting of the applicant on pin pointed seat was issued.

Special pay to those working on pin pointed seat is granted in terms of directions contained in Circular dated 11.7.1979 (Annexure-2). It provides that filling up of the 10% of the posts should be on seniority cum suitability basis. However, before posting the persons against 10% posts, it should be ensured that senior persons are not ignored and in case some body senior enough is not willing to be considered for these posts or he is not considered suitable for the same, he should clearly be told that he will have no claim for higher fixation of pay subsequently when he is selected for higher grade.

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I have gone through the records of the case and heard the learned counsel for the parties. In the letter dated 1.1.1991 it is made clear that the charges against the applicant cannot be considered for pin pointed seat until his CRs becomes O.K. There is some controversy regarding submission of a representation by the applicant against his CRs. It appears from Annexure A-8 and Annexure A-10 that a representation was in fact submitted and Supdt. STR was asked by the Hd.Quarters, Northern Railway to furnish his comments on such CRs on his representation.

The learned counsel for the respondents has stated categorically that no representation was ever received from the applicant. Normally such representation has to be dealt within a period of 3 months of the submission and in case a representation is pending adverse CRs are not taken into account while deciding such cases. The fact that the applicant has subsequently been promoted as Head Clerk also shows that on the whole his work was found satisfactory. The applicant is, therefore, entitled to succeed and to draw a special pay of Rs.70/- P.M. from the date he was appointed on pin pointed seat vide order dated 24.10.1990. His pay to the post of Head Clerk shall be fixed accordingly.

The O.A. is disposed of finally with the above directions. No costs.

B. N. Dhoundiyal
(B.N. Dhoundiyal) 24/10/93

Member(A)

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