

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O. A. No. 1115 of 1993.

New Delhi, this the 27th day of April, 1994.

Hon'ble Mr B. N. Dhoundiyal, Member (A).

Ex. Naik Tejpal Singh Tomar,
S/O Shri Lekhraj Singh
r/o T-515/8C, Baljit Nagar,
New Delhi.

... .. Applicant

(through Mr Chandra Gupta, Advocate).

vs.

1. Government of India,
Directorate General of Works,
Central Public Works Department,
Nirman Bhavan,
New Delhi.
2. Office of the Chief Engineer,
Delhi Administration Zone II,
Public Works Department,
MSO Building, Indraprastha Estate,
New Delhi. Respondents.

Order (oral)

(delivered by Hon'ble Mr B. N. Dhoundiyal)

Shri Tejpal Singh Tomar is a retired Army personnel, who was re-employed in the office of the Chief Engineer, Delhi Administration Zone II, Public Works Department on 24.9.1987 as a Messenger (Ex-serviceman) on a monthly pay of Rs. 750/- pm. in the scale of Rs. 750-12-870-EB-14-940. He is aggrieved that at the time of fixation of his initial pay his past service as Ex-serviceman from 14.1.1.1965 to 1.8.1983 was not taken into account and his pay was fixed at Rs. 750/-, that is, at the lowest stage in the scale of Rs. 750-940. His representation was rejected by O.M. dated 1.3.1993. He prays that directions be issued to the respondents to fix his pay at higher point taking into account his service rendered in the Army.

2. In the counter filed by the respondents,

it has been clarified that in terms of CCS Order 1986, Rule 4, re-employed pensioners shall be allowed to draw pay only in the prescribed scales of pay for the posts in which they are re-employed. No protection of the scales of pay of the posts held by them prior to retirement shall be given and in all cases where the pension is fully ignored the initial pay on re-employment shall be fixed at the minimum of the scale of pay of the re-employed post. It has been provided that in case of ex-serviceman who held posts below commissioned officer rank in the defence forces and in the case of Civillians who held posts below Group A at the time of their retirement, the entire pension and pension equivalent of retirement benefits shall be ignored while fixing their pay.

3. It is clear that the only protection, which the rule provides for Ex-servicemen, like the petitioner is that their entire pension and pensionary benefits are ignored while fixing up their pay on re-employment. I, therefore, hold that the respondents have not committed any irregularity in fixing the pay of the applicant at the minimum of the scale of his re-employment.

4. In the result, the application is dismissed but without any order as to costs.

/sds/

B.N. Dhoundiyal
(B.N.Dhoundiyal)
Member(A)