

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

DA 2498/93

This day of 31st August, 1994

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

Shri B.N. Sarkar,
S/o Dr.(Late) K. Sarkar,
working as Extra Assistant Director/Assistant Engineer,
Gates Design (NH&E) Directorate,
Central Water Commission,
Room No.92 D, Sewa Bhavan,
R.K. Puram, New Delhi - 110 066.

R/o Qtr. No.66, Sector-I,
R.K. Puram,
New Delhi - 110 022.

.... Applicant

(By Advocate : Sh. K.L. Bhandula)

Vs

1. Union of India through
Secretary to the Govt. of India,
Ministry of Water Resources,
Shram Shakti Bhawan,
New Delhi - 110 001.

2. The Chairman,
Central Water Commission,
Sewa Bhavan, R.K. Puram,
New Delhi - 110 066.

.... Respondents

(By Advocate : Sh. V.S.R. Krishna)

ORDER

Shri J.P. Sharma

The applicant is working as Extra Assistant Director, in short EAD/Assistant Engineer in short AE in the Central Water Commission to the R-2. The applicant joined the Govt. service as Supervisor (now designated as Junior Engineer) on 1st February, 1968 and the next promotional post is EAD/AE. The applicant proceeded on deputation on foreign service in Chukha Hydel Project, Bhutan as Junior Engineer. While on

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deputation his juniors were promoted to the next grade of EAD/AE on ad hoc basis on long term basis. The applicant on return from deputation post joined in the parent department as Junior Engineer in May, 1987. He was thereafter promoted as EAD/AE on ad hoc basis on 27th October, 1987. The applicant was also regularised in this grade with effect from 28th November, 1990. The grievance of the applicant is that he has been denied the benefits of pay at par with his juniors. He has also cited a number of decisions of the Tribunal where similar benefits have been given stepping up the pay of the seniors to the level of juniors on return from the deputation post. Thus the pay of the applicant was not fixed on par with the pay fixed in respect of his juniors. The request made in this behalf by the applicant has been turned down. The applicant has prayed that the respondents be directed to fix up the pay of the applicant in the grade of EAD/AE scale of Rs.2000 - 3500 at Rs.2300 with effect from 27th October, 1987 @ of pay drawn by his junior Sh. B.M. Ghosh with all consequential benefits. A notice was issued to the respondents and Sh. M.L. Verma appeared and prayed for time to file the reply. The respondents however did not file any reply inspite of the five opportunities furnished to them time and again from January, 1994 till August, 1994. The request for further time therefore was rejected.

2. In fact, the learned counsel for the respondents relies on a case which has already been covered in

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OA 1621/89 - P.P. Abdulrahaman Vs. Union of India & others and other connected cases decided on 28th February, 1990. After that many other cases have been decided by the Principal Bench. The case of the applicant is fully covered by the above said decision.

3. The application is allowed and the respondents are directed to ^{re-}fix the pay of the applicant at par with the pay fixed in respect of his junior appointed on ad hoc basis when the applicant was on deputation. The respondents shall calculate the arrears and pay the sum to the applicant within a period of three months from the date of receipt of copy of this order. Cost on parties.

J. P. Sharma
(J.P. Sharma)
Member(J)

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