

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.2599/93

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New Delhi, this the 11th day of August, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Shri N.Sahu, Member (A)

Shri Bhim Singh Bisht,
r/o Sector VIII, R.K. Puram,
New Delhi.

....Applicant

(By Advocate: Shri U.S. Bist)

versus

Union of India through

1. Secretary,
Ministry of Health and Family Planning,
Department of Health,
Nirman Bhawan,
New Delhi.

2. The Director General of Health Services,
Nirman Bhawan,
New Delhi.

...Respondents

(By Advocate: Shri Jog Singh)

O R D E R (ORAL)
[Dr. Jose P. Verghese, Vice-Chairman (J)]

The petitioner was working in the National Trachoma Control Project at Aligarh in the year 1975-76 and was transferred to Headquarters of this Project alongwith sanctioned post and the then incumbent of the post to New Delhi for merger with National Programme for the Prevention and Control of Visual Impairment and Blindness, New Delhi. The petitioner who was appointed at Aligarh reported for duty in New Delhi in the year 1976 and thereafter he was encadared in Feb., 1978.

To his surprise, his juniors were given selection grade in the then applicable scale of 320-400, without considering the case of the petitioner

probably because his case of absorption was still under consideration. Even after encadrement, the petitioner was not given the said benefit.

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The counsel for the petitioner says that the seniority was not fixed in the department till the year 1988 and thereafter he gave several representations, not with any success, and the final reply came only in the year 1992 rejecting his claim. Thereafter in the year 1993, he filed this OA and, according to him, this OA is not barred by limitation.

The claim of the petitioner, therefore, is that he is entitled to selection grade in the grade of 320-400 from the date his juniors were given the selection grade or at least from Feb., 1978 from the date on which he was encadred. It was suggested to the petitioner whether he was suitable for the selection grade or not; the reply came stating that the petitioner continued in the department and superannuated only a few months back, in the year 1997 and that itself shows that he was fit for selection grade as early in the year 1978.

Since the matter is pertaining to a claim of arrears, in case his claim for selection grade was considered from the date on which his juniors were given the said grade, the difference, according to the petitioner, would be to the tune of about Rs. 6000-7000/- only. But since the petitioner has superannuated, he is not insisting for the arrears but he would like to have his pay fixation done and arrive at the last pay drawn for the purpose of pay fixation

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as if his selection grade was given to him w.e.f. Feb., 1978 which was a subsequent date after his encadrement and the period when his juniors were given the said selection grade. (10)

We have looked into the reply as well and respondents had not seriously controverted facts relating to this relief that the selection grade may be awarded to the petitioner either on the date of his juniors obtained the selection grade or on the date of his encadrement, solely for the purpose of arriving at the last pay drawn for calculating the pension. We, therefore, in the circumstances and in view of the fact that the petitioner has now retired, direct the respondents to arrive at what would be the last pay drawn for the purpose of pensionary benefits after giving the benefit of selection grade from Feb., 1978 notionally and without any liability to pay arrears.

This OA is allowed to the extent stated above. There shall be no order as to costs.



(N. Sahu)
Member (A)

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(Dr. Jose P. Verghese)
Vice-Chairman (J)