

(18)

Central Administrative Tribunal
Principal Bench, New Delhi.

OA-494/93

New Delhi this the 31st Day of October, 1994.

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

Shri M.R. Kataria,
S/o late Shri Dheru Ram,
R/o GH 10 63 C Sunder Apartments,
Paschim Vihar, New Delhi-41. Applicant

(through Sh. J.P. Verghese, advocate)

versus

1. Union of India,
through its Secretary,
Ministry of Urban Development,
Nirman Bhavan,
New Delhi.
2. The Director General,
Directorate General of Works,
Central Public Works Department,
Nirman Bhawan,
New Delhi.
3. Mr. Suraj Pal,
Office of the E.E.(Hq.),
C.P.W.D.,
Allahabad Central Circle,
Allahabad, U.P. Respondents

(through Sh. M.L. Verma, advocate)

ORDER(ORAL)

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

Heard the learned counsel for the parties and perused the records.

The applicant was appointed as Section Officer (now Junior Engineer) in C.P.W.D. with effect from 9.4.1959. He was confirmed as Junior Engineer (Civil) in the grade of Rs.180-380/- with effect from 31.10.1961. Selection grade was granted to him in the scale of Junior Engineer with effect from 1.8.1976. Another Junior Engineer Sh. Suraj Pal (Respondent No.3) who was junior to the applicant was ~~granted~~ ^{granted} selection grade in the pay

scale of Rs. 550-900/- with effect from 30.08.1974. The contention of the applicant is that while his junior Sh. Suraj Pal was granted selection grade with effect 30.08.1974, just after his completion of 12 years of service, the applicant who is senior to him was given this scale only with effect from 1.8.1976.

He has also filed an application for condonation of delay and the explanation given is that he was posted in remote area in Arunachal Pradesh from 1976 to 1979. During this period, he was granted selection grade but order was never communicated to him. He came to know about it only in May 1990 when he happened to learn from Respondent No.3 he was also drawing the same pay as the applicant whereas the applicant is quite senior in all grades, namely, Junior Engineer and Executive Engineer. He claims that he was never informed about the grant of selection grade to Respondent No.3. He kept on representing till 13.1.1993. He thus claims that the cause of action arose on 13.1.1993.

The whole basis of the application is that the applicant was entitled to selection grade after completion of 12 years of service as Junior Engineer and that one of his juniors Sh. Suraj Pal was granted selection grade much before him. The first contention is not tenable as it is hard to believe that the applicant who was drawing his salary in the grade was not aware about this. After completion of 12 years he applied for selection

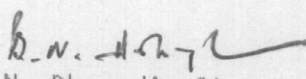
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grade which was granted with effect from 1.8.1976. This is too late in the case to challenge the non-grant of selection grade after completion of 12 years.

The other point raised is grant of selection grade to his junior from an early date. The respondents have stated that the grant of selection grade to Sh. Suraj Pal with effect from 13.1.1974 ignoring his senior was erroneous as his seniors had been granted selection grade only w.e.f. 1.8.1976. It is also stated that the Government has decided to cancel the grant of selection grade to Sh. Suraj Pal w.e.f. 13.8.1974 and to reappoint him w.e.f. 1.8.1976 in the selection grade and that he has been issued a show cause notice to this effect.

In view of the aforesaid considerations, the O.A. is disposed of with a direction to the respondents to review the case for grant of selection grade of the applicant in case if the orders granting the selection grade to his junior Sh. Suraj Pal dt. 16.3.1979 ~~are~~ not ^{be} cancelled. Needless to say that knowledge of the cancellation of the order dt. 16.3.1979 shall be made available to all concerned.

No costs.


(B.N. Dhoundiyal)

Member(A)