

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 3rd day of August, 2001.

C O R A M :- Hon'ble Mr. S. Dayal, Member- A.
Hon'ble Mr. Rafiq Uddin, Member- J.

Original Application No. 256 of 1996

R.P. Pandey a/a 60 years. S/o Late B.P. Pandey
Ex. Commercial Inspector, C.M.I (C/PBH), Chief
Commercial Manager's Office, Northern Railway,
Varanasi. At present R/o Village Chhata Ka Purwa,
Post Office- Jhingur. Distt. Pratapgarh, U.P.

.....Applicant

Counsel for the applicant :- Sri Satish Dwivedi
Sri Anil Dwivedi

V E R S U S

1. Union of India through its Secretary Ministry of
Railways, New Delhi.
2. Additional General Manager and Director of P.G
Northern Railway, Baroda House, New Delhi.
3. Deputy Chief Commercial Manager,
Northern Railway, Varanasi.

.....Respondents

Counsel for the respondents :- Sri A.K. Gaur

O R D E R (Oral)

(By Hon'ble Mr. S. Dayal, Member- A.)

This application has been filed under section 19
of the Administrative Tribunals Act, 1985 for setting-aside
the order dt. 20.12.1994 and to issue a direction to
respondents to fix the pay of the applicant at Rs. 2180/-

per month and also to make payment of arrears after re-fixation of pay, pension, gratuity and leave encashment.

2. The case of the applicant is that he was given promotion to the scale of Rs. 2000-3200 from the scale of Rs. 1600-2660 on 02.06.1992 although the promotion was due from 17.04.1990. It appears that applicant was not promoted on 17.04.1990 as a departmental enquiry was pending against him. However, subsequently he was given promotion from the date of promotion of his junior as he was cleared in the said enquiry. He was given seniority between Sri V.B. Singh and Sri Mukut Prasad and his pay fixation was done by order dated 27.08.1993 granting him pay of Rs. 2000/- in the pay scale of Rs. 2000-3200 w.e.f 17.04.1990 which was the date of promotion of his junior Sri Mukut Prasad. Applicant has claimed that his pay should be fixed in accordance with provision^{of} para 2018-B (FR-22 C) as contains in Indian Railway Establishment Code Vol. II. He had referred a representation dt. 25.07.95 (annexure A-2) which has been considered by the respondents and the impugned order has been passed in a cryptic manner informing the applicant that his pay fixed at the par with the pay of Sri Mukut Prasad was in order.

3. We have heard Sri Satish Dwivedi, learned counsel for the applicant and Km. Renu Singh, brief holder of Sri A.K. Gaur, learned counsel for the respondents.

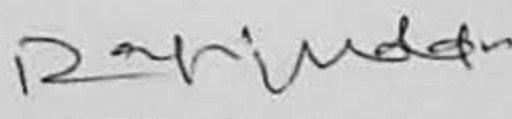
4. Learned counsel for the applicant has stated that he had referred a representation dt. 25/26.07.1995 in which he had mentioned that his fixation of pay at Rs. 2000/- on 17.04.1990 was erroneous. He was drawing Rs. 1950/- on 17.04.1990 in pay scale of Rs. 1600-2660. He claims that he was entitled to fixation of pay at the stage of Rs. 2060/- in accordance with the provision


of para 2018-B (new rule 1316) of I.R.E.C Vol. II.

5. The respondents have denied the claim of the applicant on the ground that he had not shouldered the higher responsibility in the grade of Rs. 2000-3200/-. The applicant was promoted w.e.f 02.06.1992 and on his representation, his name was interpolated between Sri V.B. Singh and Sri Mukut Prasad and his pay was fixed on proforma basis at Rs. 2000/-.

6. We find justification in the claim of the applicant that his pay should have been fixed on proforma basis as per the provision of Rule 2018- B (new rule 1316) of I.R.E.C Vol. II. We find that the respondents have not considered his pay fixation under this rule although it is admitted that he was promoted with effect from 17.04.90. We, therefore, set-aside the order dt. 30.12.1994 impugned in this O.A and direct the respondents to fix the pay ~~scale~~ of the applicant in accordance with para 2018- B (new rule 1316) of I.R.E.C Vol. II within a period of three months from the date of receipt a copy of this order and pass, if necessary, consequential ~~the~~ order of re-fixation of pay and pension as well as re-calculation ^{of} his gratuity and leave encashment and other benefits affected by such pay revision and pay him arrears.

7. There will be no order as to costs.


Member- J.


Member- A.

/Anand/