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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

* * *

Allahabad : Dated this 14th day of July, 2000

Original Application No.834 of 1997

District : Varanasi

CORAM :-

Hon'ble Mr. Justice RRK Trivedi, V.C.

Hon'ble Mr. S. Dayal, A.M.

G.N. Sharma, Son of T.N. Sharma,
R/o Village & Post Jakhini,
District Varanasi.

(Sri OP Gupta, Advocate)

... . . . Applicant

versus

1. General Manager (P) D.L.W.
Varanasi.

2. Union of India through Secretary,
Ministry of Railways, Government of India,
New Delhi.

(Sri Amit Sthalekar, Advocate)

... . . . Respondents

ORDER (Overall)

By Hon'ble Mr. Justice RRK Trivedi, V.C.

This application has been filed seeking relief that the respondents may be directed to grant proforma seniority to the applicant as Senior Clerk w.e.f. 1-2-1988 and also make proforma fixation of arrears of pay which became due to the applicant by virtue of proforma fixation of pay. The learned counsel have agreed that in view of the judgement of the Hon'ble Supreme Court in the case of Anuradha Mukherjee, the applicant is only entitled for



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proforma fixation of pay for computation of pension or fixation of proforma seniority with effect from the date of appointment as Junior Clerk and shall be entitled for actual payment when he took charge as Senior Clerk. This position has been clarified in Para 4(B) of the SCA filed by Sri Manoj Pande, Dy. Chief Personnel Officer, which reads as under :-

"(B) All serving Graduate Clerks who were appointed as such after 01-10-1980 and have subsequently been appointed as Sr. Clerk on being qualifying limited Departmental Competitive Examination, will not be eligible for any proforma fixation w.e.f. 01-10-1980 but from their appointment as a Clerk and actual payment from the date they took the charge of the post of Sr. Clerk."

2. Learned counsel for the applicant on the basis of the order dated 5-2-1987 (Annexure-12 to the OA) has submitted that his date of appointment as Junior Clerk is 12-1-1987 and his proforma fixation of seniority should be from the aforesaid date.

3. The OA is disposed of finally in terms of Para 4(B) of the SCA. There shall be no order as to costs.

Member (A)

Vice Chairman

Dube/