

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

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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 (O_r_d_e_r)

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
~~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} ~~being~~
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 ^{pay for computation of pension} ~~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/

*Corrected vide
order dated
20/2/2001*

*R of
Sard*

*Corrected vide order
dated 20/2/2001*

*R of
Sard*