

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

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Registration O.A.No.659 of 1987

Pat Raj.... Applicants

Vs.

Union of India and Others.... Respondents

Hon'ble Mr.K.Obayya, Member (A)

Hon'ble Mr.S.N.Prasad, Member (J)

(By Hon.Mr.K.Obayya, A.M.)

This application under Section 19 of the Administrative Tribunals Act, 1985 has been filed for arrears of pay and allowances on the post of Fitter Grade-2 for the period 1.4.76 to 30.4.86.

2. The case of the applicant is that he was appointed as Fitter Grade-3 (Rs.200-410/-) in Northern Railway in 1954, thereafter he was promoted to Fitter Grade-2 (Rs.380-560/-) in 1976 and retired from service on superannuation on 30.4.86. The grievance of the applicant is that he was not paid the salary of Fitter Grade-2 for the period he was promoted i.e. 1.4.76 to 30.4.86. He represented to the authority in this regard but to no effect.

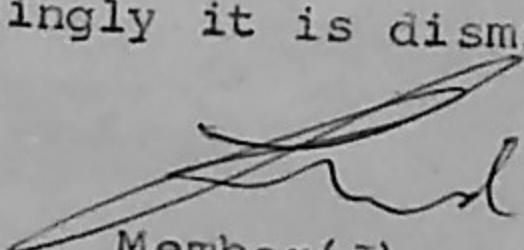
3. In the counter filed on behalf of the respondents it is stated in para 3(iv) that the applicant was never promoted to the post of Fitter Grade-2 and that he was getting pay of Rs.350/. The respondents also contest the case on the point of limitation as much as the present application was filed on 27.7.87 nearly more than one year of his retirement which was on 30.4.86.

4. We have heard the counsel for the parties. From the perusal of the record it is noticed that in Annexure A-4/13 which is service certificate issued to the applicant on 30.1.87, the applicant served the

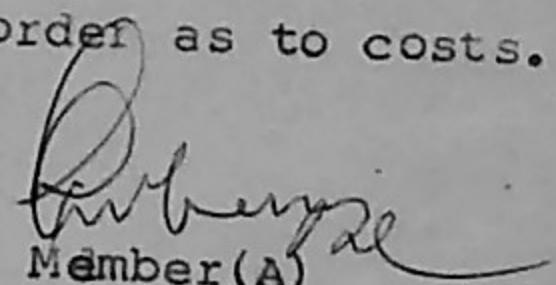
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department from 2.4.54 to 30.4.86 and his pay at the time of retirement was Rs.350/. His appointment is indicated as Fitter under I.O.W.O. headquarters. The applicant has not filed any document to show that he was promoted to the post of Fitter Grade-2 nor has he mentioned the date and the reference No. of his promotion order in the claim petition.

5. It is well settled that a person has no entitlement for the pay of the grade unless he has been appointed/promoted to that grade. Mere working on higher post will not entitle him for the salary of that grade unless such officiation or working is supported by a promotion order issued by competent authority. In the absence of any promotion order we have to rely only on the service certificate a copy of which is annexed to the application. According to which he was only drawing a salary of Rs.350/- at the time of retirement and that he was not working as Fitter Grade-2. The application is devoid on any merit and accordingly it is dismissed with no order as to costs.



Member (J)



Member (A)

4th
--October, 1991.

(sph)