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CENTRAL ADMINISTRATIVE TRIBUNAL, ALIAHABAD BENCH
ALIAHABAD.

O.A.No.758 of 1987.

Smt.Girja Devi SahuApplicant.

Versus

Union of India & othersRespondents.

Hon'ble Mr.Justice U.C.Srivastava,V.C.

Hon'ble Mr.K.Obayya,A.M.

(By Hon'ble Mr.Justice U.C.Srivastava,V.C.)

The applicant-Smt.Girja Devi Sahu's husband, who was an employee of Northern Railway, died after retirement. She has claimed certain benefits on behalf of her husband after his death. The name of her husband Late Shri R.C.Sahu was struck out from the promotion-list dated 19.4.85. The said R.C.Sahu, who started his service career as Office Clerk in the year 1954, was promoted to the post of Asstt. Superintendent (T) Branch in the pay scale of 550-750/- on 31.1.85. The post of Asstt. Superintendent is a selection post for which departmental examinations are held. According to the applicant, her husband also appeared in the same and he was declared qualified vide order dated 6.10.86. Her husband was already promoted in 1985 but he was not paid the difference of arrears w.e.f. 1.1.84 i.e. the date on which restructuring took place till the date of his joining upto 1.1.85 though a request in this behalf was made continuously and ultimately he died and after his death, his legal representatives and widow had no option but to approach the tribunal praying that the respondents be directed to prepare difference of arrears w.e.f. 1.1.84 till 1.2.85 of the pay scale between 425-700, 700-900 and they be also directed to prepare the arrears (difference) of the pay scale of 700-900, revised 2000-3200 w.e.f. 1.2.85 till 31.10.86 and the same may be paid to her.

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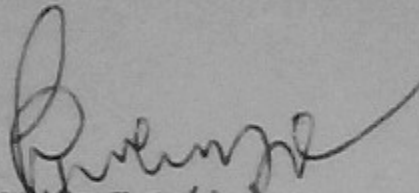
2. The respondents have opposed the application and have pleaded that prior to the restructuring in the ministerial cadre from 1.1.84, the total strength of Superintendent Grade 700-900 of transportation branch seniority unit was three and the total strength of Asstt. Superintendent Grade 550-750 was eight and as a consequence of restructuring, the strength of Superintendent increased from 3 to 6 and the strength in the category of Asstt. Superintendent increased from 8 to 12. Out of eight posts of Asstt. Superintendent (T), three posts of Asstt. Superintendent remained lying vacant as on 1.1.84 and against one such post Shri Mata Prasad was working as Asstt. Superintendent and as a consequence of restructuring, a panel for 11 posts of Asstt. Superintendent was prepared. Two posts were reserved for two scheduled caste candidates who were in General seniority due to stay granted by the High Court. Accordingly, a panel of seniormost Head Clerks was declared on 18.4.85 and they were allowed arrears. Late Shri R.C. Sahu was correctly appointed to officiate as Asstt. Superintendent on adhoc basis along with four others who were senior to him. In view of the fact that there were senior persons to him, he could not have been given a regular appointment notwithstanding the fact that he succeeded in the said examination. The aforesaid four persons were senior to said Sahu and were considered for adhoc promotion as Asstt. Superintendent w.e.f. 19.4.85 against four vacancies of Asstt. Superintendent occurring after 1.1.84 due to retirement of four Asstt. Superintendents. Thus, said R.C. Sahu was not entitled to the benefit of restructuring scheme and his promotion took place thereafter. The


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applicant is not entitled to the relief claimed for.
Accordingly, the application is dismissed . No order
as to costs.


MEMBER (A)


VICE CHAIRMAN.

DATED : NOVEMBER 30, 1992

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