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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

Registration No.836 of 1987

Akhilanand Tiwari

.....Applicant.

Vs.

Chief Personnel Officer, and others .....Opp. parties

Hon'ble D.S. Misra, A.M.

Hon'ble G.S. Sharma, J.M.

In this application under section 19 of the A.T. Act XIII of 1987, the applicant has prayed for re-fixation of his salary in the grade of Senior Clerk w.e.f. 1.10.1979. The applicant, who was working as junior clerk in the North-Eastern Railway was promoted as Senior Clerk on ad hoc basis by an order dated 4.8.79. On 3.9.79, he submitted an application to the Sleeper Control Officer, N.E. Railway Gorakhpur that he being the senior most amongst the three persons promoted as senior clerk, his pay may be fixed at Rs.416/- p.m. or alternatively his pay may be re-fixed w.e.f. 4.10.1979. In this application no reason for fixing his salary w.e.f. 4.10.1979 was stated. The order of ad hoc promotion of the applicant was passed by the General Manager(P) N.E. Railway but the application dated 3.9.79 was addressed to the Sleeper Control Officer and not to the General Manager(P), N.E. Railway. It is stated in para 6 (c) of the application that the Dy. Chief Engineer Head Quarters, Sleeper Control, N.E. Rly. Gorakhpur (opp. party no.2) by an order dated 8.9.86 had fixed his salary at Rs.416/- p.m. w.e.f. 1.10.1979 and that the matter was sent to the Finance Department for concurrence but the Finance Department directed the opp. party no.2 to send it through Chief Personnel Officer, N.E. Railway, Gorakhpur; that the matter was again sent by opp. party no.2 to the Chief Personnel Officer (opp. party no.1) for taking its concurrence of the fixation

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of salary on 19.11.1986, but the opp.party no.1 has returned the file without passing any order; that the applicant referred the matter to opp.party no.2 again on 14.4.87 but the opp.party no.1 has refused to send the file to the Finance Department for concurrence. The applicant has not filed any copy of the order dated 8.9.86 alleged to have been passed by opp. party no.2 fixing the applicant's salary at Rs.416/- w.e.f.1.10.79. He has however filed extract from a guide to Railwaymen on Establishment Rules and Labour Laws by Nirmalendu Bhusan Bhattarji.

2. We have heard the counsel for the applicant and have gone through the papers. We find that Paper (at annxure 3 to this petition) deals with fixation of initial pay of a railway servant on substantive appointment to the new post. In the instant case the applicant was not appointed on substantive basis but promoted on ad hoc basis. We are of the opinion that this document, though not an authentic document, also does not help the applicant. We also find that the request of the applicant for re-fixation of his salary w.e.f. 1.10.1979 is highly time barred under section 21 of the A.T. Act XIII of 1985.

3. We accordingly dismiss the application at the admission stage.

*A.M.*  
A.M. 28.9.87

*J.M.*  
J.M. 28/9/87

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