

THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD

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O.A.No. 441 of 1988

J.C.KHARE ... Applicant

Vs

Union of India and others... Respondents

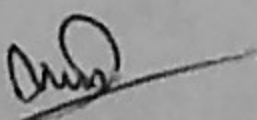
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HON'BLE MR MAHARAJDIN, MEMBER(J)

The applicant has moved this application seeking the relief for fixation of his pay in the upgraded scale of Rs.700-900 with effect from 16-07-84 and to pay the difference of the pay, revised pension, gratuity and other benefits.

The applicant in the year 1983 was promoted on the post of Commercial Controller at Agra, but due to domestic reasons he refused to accept the promotional post. The applicant was however, again promoted on the post of senior Commercial Inspector in the pay scale of Rs.550-750 which was later on upgraded with effect from 01-01-84 in the scale of Rs.700-900. The pay of the applicant was not fixed in the upgraded scale of Rs.700-900 despite representations made to the higher authorities, hence he has come up before this Tribunal for redress.

The respondents filed Counter Affidavit and resisted the claim of the applicant on the grounds that the applicant never worked in the grade of Rs.700-900 till his



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retirement on 30-04-1985, as such he is not entitled to get his pay fixed in the said scale of pay.

I have heard the learned counsel for the parties and perused the record.

The applicant admittedly worked in the pay scale of Rs.550-750, but he claims the upgraded scale of Rs.700-900 on the basis of the letter (Annexure-1) dated 16-07-84. According to this office letter No.P/410/10/UG/CC/CA dated 27-02-84, 39 posts of the grade of Rs.455-700 (RS) were upgraded to the grade of Rs.550-750(RS) and 23 posts of grade of Rs.550-750(RS) were upgraded to Rs.700-900 (RS). Vide aforesaid letter and against the result of vacancies all the above 23 posts of grade Rs.550-750 and 23 persons of grade Rs.455-700 were promoted in the scale of Rs.550-750. The applicant's contention that he is entitled to the upgraded scale of Rs.700-900 is misconceived vide aforesaid letter dated 27-04-1984. 39 posts of grade 455-700 were upgraded to Rs.550-750 and further 23 posts of grade 550-750 were upgraded to Rs.700-900. Accordingly 23 posts of grade 550-750 were strictly filled up by promotion on the basis of seniority. The applicant was not eligible as per his seniority position to get the benefit of upgraded scale of Rs.700-900 and this matter was also discussed in the P.N.M. meeting. The applicant never worked in the grade of Rs.700-900 so he is not entitled

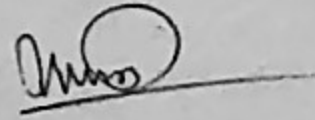
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to get the said scale as claimed by him. The applicant by mis-interpreting the contents of letter (Annexure-1) has claimed the upgraded scale of Rs.700-900 which does not speak out that the applicant who was working in the grade of Rs.550-750 was entitled to get the upgraded scale of Rs.700-900. The applicant though has stated that the grade of Rs.550-750 was upgraded to Rs.700-900 from 01-01-84, but no such letter regarding upgradation of the scale has been filed. This fact has been specifically denied by the respondents.

In view of the discussions made above, I find that there is no merit in the application of the applicant, which is hereby dismissed with no order as to cost.

24th a
DATED: Allahabad, September 08, 1993.
(VKS PS)


MEMBER-J
