

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

D.A. No: 1011 of 1990

T.A. No: of 199

DATE OF DECISION: 15.12.93

Syed Gulam Asmani PETITIONER.

ADVOCATE FOR THE
PETITIONER

VERSUS

Union of India RESPONDENTS

ADVOCATES FOR THE
RESPONDENTS

CORAM:-

The Hon'ble Mr. Maharajdin JM

The Hon'ble Mr. B.Das Gupta AM

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgement?
4. Whether to be circulated to all other Benches?


SIGNATURE

JAYANTI/

(8)

THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD

DX

Original Application No. 1011 of 1990

Syed Gulam Askari Applicant

Vs.

Union of India and others Respondents

-to-

HON'BLE MR MAHARAJDIN, MEMBER(J)

HON'BLE MR S DAS GUPTA, MEMBER(A)

(by Hon'ble Mr Maharajdin, Member-J)

The applicant has filed this application seeking the relief to quash the order dated 10-05-90 (Annexure A-6) and the order dated 05-06-90 (Annexure A-7) and has claimed back salary since 01-09-85 and promotion, increment, bonus and other facilities since 1985.

The applicant was posted as Assistant Station Master at railway station Kurasti Kalan, district Fatehpur, Northern Railway. It is stated that an accident took place on 31-12-1983 when Electric Panipat Special Goods Train passed through the station. An enquiry was set up and as a result of enquiry the Divisional Safety Officer, Northern Railway Allahabad imposed the punishment by passing the order. The applicant preferred an appeal but the same was not disposed off. Therefore, the applicant filed the O.A. No.58 of 1987 before this Tribunal which was disposed of with direction to the respondents to dispose of the appeal within a period of two months from the date of receipt of the order. The appellate authority who was Senior Divisional Safety Officer, Northern Railway, Allahabad passed the order exonerating the applicant and canceling the punishment order (Annexure A-II). The applicant submitted representation

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asking for payment of economic loss, seniority and promotion (Annexure A-III), but no action was taken. Again on moving an application by the applicant the ^b Divisional Railway Manager ~~upon which~~ the respondent No.3 passed order on 10-05-90 conferring the proforma promotion since 20-09-85 but he did not allow ~~the~~ to ^b pay the balance salary upto 30-08-89 (Annexure A-VI). The applicant claimed that he is entitled to get the benefit of salary, increment, bonus etc since 1985.

The respondents filed Counter Affidavit and resisted the claim of the applicant inter alia on the ground that on being given proforma promotion the applicant was not entitled to get the benefit of enhancement of salary, increment and Bonus etc.

Counsel for the applicant remained absent. We have heard the arguments of learned counsel for the respondents and perused the record.

In pursuance of the judgment of this Tribunal passed earlier, the ^{appellate authority} Tribunal had cancelled the punishment of the applicant and the applicant was promoted as Asstt. Station Master in the grade of Rs.1400-2300. After passing P/16 course the applicant was placed ⁱⁿ independent charge on 31-08-89 and he was allowed to get the pay in the grade of Rs.1400-2300. The applicant was given proforma promotion as Assistant Station Master with effect from 20-09-85 in the grade of Rs.1400-2300. The applicant had been allowed seniority, but was not allowed the salary with effect from 20-09-85 in terms of the Railway Board's Letter No. E(D & A)88-RG-16-2 dated 21-09-1988, GM(P) New Delhi's letter No. 831/E/63-2-XII.E/II dated 4-11-1988 and DRD/ NR/ ALD's P.S. No.9728 para 3-5 dated 31-12-1985

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(Annexure-I). The applicant on being given notional promotion was not entitled to get the higher pay scale in view of the letters of the Railway Board cited above as also he did not shoulder higher responsibility on the promotional post in the higher grade. As such, we are of the view that the applicant is not entitled to get the salary since 01-09-85 of the promotional post nor increment nor bonus whatsoever since 1985.

The application is accordingly dismissed with no order as to cost.

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MEMBER (A)

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MEMBER (J)

DATED: Allahabad, December 15, 1993.
(VKS PS)