

OA. 651/92  
Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 1248 of 1992

alongwith

Original Application No. 651 of 1993

Allahabad this the 19th day of January, 2000

Hon'ble Mr. S.K.L. Naqvi, Member (J)

O.A. No. 1248 of 1992

Jagdish Prasad Mishra, Ex-senior T.h.C., N.E.Rly.  
Garahara, Village and Post Kasli, District Deoria.

Applicant

By Advocates Shri Anand Kumar  
Shri C.P. Gupta

Versus

1. Union of India through the General Manager, N.E.Rly. Gorakhpur.
2. D.R.M. N.E. Rly., Sonapur.

Respondents

By Advocate Shri Lalji Singh

O.A. No. 651 of 1993

Jagdish Prasad Mishra, Ex Senior T.h.C., N.E. Rly.  
Garahara, Village and Post Kasli, District Deoria.

Applicant

By Advocates Shri Anand Kumar  
Shri C.P. Gupta

Versus

1. Union of India through the General Manager, N.E.Rly. Gorakhpur.
2. D.R.M., N.E. Railway, Gorakhpur.

By Advocate Shri V.K. Goel

Respondents

*Sub -*

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O\_R D E C ( Oral )

By Hon'ble Mr. S.K.I. Naqvi, Member (J)

Shri Jagdish Prasad Mishra—the applicant has filed two original applications before this Tribunal, one is U.A. No. 1248 of 1992 in which he has sought for relief in respect of payment of his retiral benefits and also to quash the order dated 01.6.1990 according to which he has been communicated in respect of his pay fixation as well as the payment of retiral benefits. In U.A. No. 651/93 the applicant has prayed for direction to refix his salary and the consequential benefits theron. In both these matters, the relief sought for flows out of one controversy i.e. fixation of his pay and therefore, both the cases are beind decided by this judgment.

2. As per applicant's case, he joined the service with the respondents on 13.1.1953 and held the post of T.K.C. upto 31.12.1983 and was promoted <sup>held</sup> <sub>to the post of P.</sub> to Senior T.K.C. w.e.f. 01.1.1984 in the scale of Rs. 330-560/- which was revised to the scale of Rs. 1200-2040/- on the basis of recommendation by Pay Commission. The applicant claims that his pay should have been fixed at Rs. 1320/- but the same has wrongly been fixed at Rs. 1200/- and for that purpose he has filed the U.A. No. 651/93 to get his correct pay fixed and the relief in respect of consequential effect of re-fixation has been sought for in U.A. No. 1248 of 1992.

*See <sup>in</sup> <sub>in</sub> <sup>in</sup>*

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3. Learned counsel for the respondents have raised the objection of limitation bar in both the matters. Keeping in view that the matter was initially, though under wrong advise, filed before the Labour Court and dismissed there on the ground of jurisdiction and also the amendment application alongwith annexure A.1 was allowed to be taken on record, the matter cannot be termed as barred by limitation.

4. On the merit of the case, there is main controversy in respect of fixation of pay of the applicant at the time of his promotion to the post of Senior T.R.C. as well as fixation consequent upon enforcement of recommendation of Pay Commission. The applicant claims that his pay should have ~~fix~~ been fixed at Rs.1320/- whereas it has wrongly been fixed at Rs.1200/-. The respondents have come up with the case that the pay of the applicant has been fixed in accordance with the rules and the scales recommended by the Pay Commission.

5. Keeping in view the facts and circumstances of the case, I find the impugned order dated 01.6.1990 which is annexure A-1 in O.M. No.1248/92, is very cryptic and not furnishing the requisite details and therefore, it is a fit matter to part with making the direction as under:-

\*the respondents are directed to re-consider the pay fixation matter of the applicant and pass a detailed order <sup>revised</sup> within four months from

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*See ~ - 4 ~*

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the date of communication of the copy of this order and communicate to the applicant the actual position and in case there is any short payment to the applicant, the respondents shall take steps to make payment of the difference as may come out.

6. There will be no order as to costs.
7. Copy of this order be also placed in the records of C.A. No. 651 of 1993.