

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 77th day of January, 2000.

Original Application no. 1709 of 1994.

Hon'ble Mr. M.P. Singh, Administrative Member.

Buchan Sharma,
S/o Shri Vidhan Sharma,
R/o K.P. 19, Triveni Bihar, Allahabad,
New Cantt.,
Presently working as Carpenter in Garrison Engineer,
(West), Allahabad.

... Applicant.

Shri S.S. Sharma
C/A Shri K.P. Singh

Versus

1. Union of India through The Defence Secretary,
Ministry of Defence, South Block, New Delhi.
2. The Engineer-in-Chief's Branch
Army Headquarters, Kashmir House,
Rajaji Marg, DHQ PO NEW DELHI.
3. The Chief Engineer,
HQ Central Command,
M.G. Road, Lucknow-2.
4. The Chief Engineer,
Air Force,
Camp Hanuman,
AHMEDABAD.
5. The Garrison Engineer,

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(AF) Naliya,
Kutch.

6. The Garrison Engineer,
(AF), Bhuj, Katch.

7. The Garrison Engineer,
(west) Allahabad.

8. The A.L.A.D (Army),
Bhuj.

... respondents.

G/R. Shri N.B. Singh.

Answer

Hon'ble Mr. M.P. Singh, Member-A.

The applicant was appointed on the post of Carpenter as Class IV employee in September 1973 (Pay scale Rs. 210-290). He was later on promoted to the post of Cabinet Maker at Garrison Engineer, Bhuj, Gujarat. The post of Cabinet Maker has been re-designated as Carpenter Grade I, vide General Manager, Bhuj, P.T.O. dated 23.03.78 (Pay scale of Rs. 260-400). The pay scale of the post was revised to Rs. 380-500 in 1981.

2. According to the applicant, the respondents are required to fix the pay of the applicant as Carpenter Grade I in the pay scale of Rs. 260-400 from March 1978 to 15.10.81 and further in the scale of Rs. 380-500 from 16.10.1981 to 1983 with arrears of pay. The applicant has made number of representations to the respondents but his request has not been acceded to.

3. He has sought the relief, requesting the Tribunal

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to direct the Garrison Engineer (West), Allahabad and Garrison Engineer, Naliya Kutch to fix the pay of the applicant on the post of Carpenter Grade I (Rs. 260-400) during period from March 1978 to 1981 and subsequently fix his pay under R.P.-80, with periodical increments and payment of arrears including 18% penal interest. He has also prayed to direct respondent no. 5 and 7 not to alter or withdraw any entry made in his service book on page no. 21.

4. The respondents have stated that the applicant was only Carpenter and was never promoted to Carpenter Grade I. However, they had admitted that the applicant passed the ~~trade test~~ of Cabinet Maker during the year 1978. But he has not been promoted to the post of Carpenter Grade I till September 1981. According to them special P.T.O. dated 23.03.78 was cancelled vide order dated 14.07.78. Hence, the question of fixation of his pay on promotion does not arise. The fixation of the pay of the applicant as Carpenter in the scale of Rs. 260-400 has rightly been done which has also been approved by L.A.O. (P) Jam Nagar. They have also stated that the entry on the basis of P.T.O. dated 14.07.78 was not made in the service book and because of this mistake the petitioner is claiming the re-fixation of his pay.

5. The applicant in support of his U.A. has enclosed following letters/orders issued by the respondents:-

- i. 1305/Fix/352/ELA dated 21.10.94
(G.E., Allahabad) Annexure A-1
- ii. 204/341/ELR dated September, 94
(G.E., Naliya) Annexure A-2

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iii. 1202/333/ELR dated 02.09.94

(G.E. Naliya) Annexure SA-1

iv. 1628/BS/68/ELB dated 21.06.90 (G.E. Allahabad)

v. 1305/Fix/202/ELA dated 21.07.94 (G.E. Allahabad)

vi. Sp1/4/78 dated 23.03.78 (Annexure RA-III)

6. The extract of page 21 of the service book which is annexed with U.A. as page 58, clearly shows that the applicants' post of Carpenter was re-designated as Carpenter Grade-I.

7. Heard Shri K.P. Singh, for the applicant and Shri D.S. Shukla proxy to Shri N.B. Singh for the respondents. From the documents annexed by the applicant, it is quite clear that the applicant was promoted to the Grade I Carpenter post of from March 1978.

8. The respondents are, therefore, directed to re-fix the pay of the applicant on the post of Carpenter Grade I in the pay scale of Rs. 260-400, during the period from March 1978 to 1981 and subsequently fix the pay under RPA-86 with all consequential benefits, within a period of three months from the date of communication of this order.

9. No order as to costs.

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Member-A

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