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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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Registration O.A. No.476 of 1994

Bharat Applicant.

Versus

Union of India
and others Respondents.

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Hon. Mr. S. Das Gupta, Member (A)
Hon. Mr. T.L. Verma, Member (J)

(By Hon. Mr. S. Das Gupta, Member (A))

Heard Sri Anand Kumar, learned counsel for
the applicant on admission.

The grievance of the applicant in this case
is that although, he is working as Keyman, he is
not being paid salary of that post.

2. This case has a history of earlier litigation.
Initially he has filed O.A. No. 440 of 1989 which
was decided by this Bench of the Tribunal on 4.4.1992
with the direction that the applicant should be
allowed to continue on the post of Keyman and he
may be ^{promoted} ~~promoted~~ to appear in the next selection
and in case he is successful, his regularisation
as Keyman should be considered as per law. When
this direction was allegedly ^{not} complied with, the
applicant filed an application under rule -24 of
of the Administrative Tribunals (Procedure) Rules,
1987 for further direction. This was disposed of
by a Bench of this Tribunal on 14.10.1992 stating
therein that the earlier directions given in

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the order dated 4.4.1992 were quite comprehensive and no further directions were required. Since the respondents allegedly did not comply with the directions, the applicant filed a contempt petition No. 967 of 1993 which was disposed of by this Tribunal by its order dated 20.1.1994 with the ~~observation~~ that if the petitioner was not being paid salary he should seek remedy by way of fresh application. The petitioner has accordingly approached this Tribunal with this fresh O.A. seeking the relief of a direction to the respondents to regularise the services of the applicant on the post of Keyman on the date he passed the selection of Keyman i.e. on 4.11.86 1985 and directed the respondents to pay the arrears and the difference of pay to the post of Keyman and the post of Gangman.

3. So far as the question of regularisation is concerned, the matter has already been adjudicated upon in the O.A. No. 440 of 1989 and appropriate directions have been issued. We see no reason to give any further directions in this regard. However, so far as the question of payment is concerned as Keyman, we are of the view that once the Tribunal has earlier decided that he should be allowed to continue as Keyman and apparently he is allowed to do so, there cannot be any denial of

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the appropriate salary of the applicant as payable to the post of Keyman.

4. In view of this, we direct the respondents to consider the case of the applicant and incase he is continuing in the post of Keyman and the salary of the post is payable to him, he should be paid accordingly and incase, according to the respondent he is not entitled to such salary a speaking order be issued informing the applicant the reasons for denial of such salary with in 3 months from the date of communication of this order. With this direction, the application is disposed of at the admission stage itself.

J. Manna

Member (J)

W.R.

Member (A)

Dated: 28th July, 1994.

(n.u.)