

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 2nd DAY OF JULY, 2001

Original Application No. 620 of 1994

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

C.D.Roy, aged 49 years six months  
S/o late Sri B.C.Roy, R/o 886  
Dildar Nagar, Sipri Bazar, Jhansi.

.... Applicant

(By Adv: shri A.N.Dwivedi)

Versus

1. Union of India through General  
Manager, Central railway  
Bombay V.T.
2. Divisional Railway manager,  
Central Railway, Jhansi.

.... Respondents

(By Adv: shri Prashant Mathur)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1935 applicant has prayed for the relief that respondents may be directed to refix the pay shown in para 4.11 of the OA then to pay the difference. It has also been prayed that the respondents may also be directed to pay interest on the delay in payment which is due from 1986.

The respondents have filed counter affidavit wherein it has been stated that applicant was awarded three punishments and on account of punishment he could not be granted increments during the period of their currency and in the meantime the report of IVth Pay Commission was received. The applicant though was running under punishment was illegally granted promotion to the post of Guard 'C'. Alongwith the counter affidavit Annexure CA-1 has been filed to show that the applicant's pay was fixed

at Rs.1320/- in the scale of Rs.1200-2040.

We have considered the submissions of the counsel for the parties and also perused the service record. The first punishment was awarded to the applicant on 22.10.1984 withholding increment for a period of three months. This period was to commence from 1.8.1983 to 31.10.1983. The applicant became entitled for increment w.e.f. 1.11.1983.

The second punishment was awarded on 11.5.1984 withholding increment for one year commencing from 1.8.1984 and ending on 31.7.1985.

The last punishment was by order dated 4.9.1984 withholding increments for a period of two years commencing from 1.8.1985 to 31.7.1987. The effect of the last two punishments was that applicant could not get increment during 1.8.1984 to 31.7.1987. During this period the recommendations of the IVth Pay Commissions were received and his pay was fixed at Rs.1320/- in the scale of Rs.1200-2040. Thereafter the applicant was promoted to the post of Guard 'C' w.e.f. 11.9.1986. From this date applicant would have been granted higher pay scale which has not been done and this made difference as applicant was placed for higher responsibilities he was entitled for re-fixation of pay in accordance with the Rule FR-22(b). Even in Annexure CA-1 filed alongwith CA, there is a note at the bottom that the pay fixation of the applicant is not correct and it should be considered again.

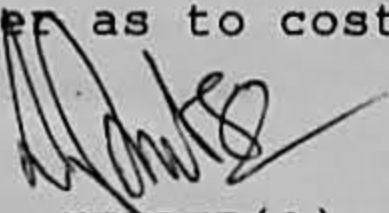
In the facts and circumstances<sup>es</sup> narrated above, in our opinion it is a fit case where the respondents may be asked to consider the entire matter again and fix the pay of the applicant during the period mentioned above in accordance with law.

The OA is accordingly disposed of finally with the direction to the respondent no.2 to get the pay of the

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applicant refixed in the light of the observations made above and in accordance with law himself or through the appropriate authority under him within a period of three months from the date a copy of this order is filed. There will be no order as to costs.

  
MEMBER (A)

  
VICE CHAIRMAN

Dated: 2.7.2001

Uv/