

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 01st day of May 2001.

Original Application no. 1255 of 1995.

Hon'ble Mr. S.K.I. Naqvi, Member-J

Hon'ble Maj Gen K.K. Srivastava, Member-A

Rahmat Ullah, S/o late Sri Niamat Ullah
Ex Office Superintendent,
Sr. Divl. Mechanical Engineer's Office,
Northern Railway,
Jughalsarai.

Resident of Mohalla Putlighar,
Near Pucca Bridge,
Mirzapur City.

...Applicant

C/A Sri A.S. Diwakar

Versus

1. The Union of India, through the Secretary,
Ministry of Railways,
NEW DELHI.
2. The General Manager, Northern Railway,
Baroda House,
NEW DELHI.
3. The Divisional Railway Manager,
Northern Railway,
LUCKNOW.
4. The Sr, Divisional Accounts Officer,
Northern Railway,
LUCKNOW.

... Respondents

C/Rs Sri A.V. Srivastava

SAC ...2/-

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O R D E R (Order)

Hon'ble Mr. S.K.I. Naqvi, Member-J.

The applicant has claimed difference of pay due to wrong fixation of pay w.e.f. 1.1.84 with interest on the amount and also refixation of his pension accordingly.

2. The applicant has a case that he retired as Office Supdt to Senior D.M.E. (D), Northern Railway, Mughalsarai and during the tenure of his service, he was ^{but} ~~upt~~ to officiate as Office Supdt. in the higher grade of Rs. 700 - 900 (2000 - 3200 RPS) w.e.f. 1.8.83 against the vacancy accrued due to retirement of Sri Pati Ram. The applicant continued to officiate up to June 1985 ^{ie} till the restructuring of the cadre. He was promoted against the post of Office Supdt. in the restructuring and during this promotion and officiating period the increment accrued to him in the month of August, ^{Rs} ~~but~~ was granted in the month of next January and ~~in~~ this 5 months period was not calculated for the purpose of increment resulting effect into calculation of 10 months average emoluments for which he tried to get redressal in the department but without any success. Therefore, he has come up before the Tribunal.

3. The respondents have a case that as per available service record of the applicant, there is no entry regarding the period during which the

...3/-

See

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(P)

applicant claims to have officiated in the higher grade and vide annexure A-6 dated 9.7.92, the applicant was required to furnish the relevant information.

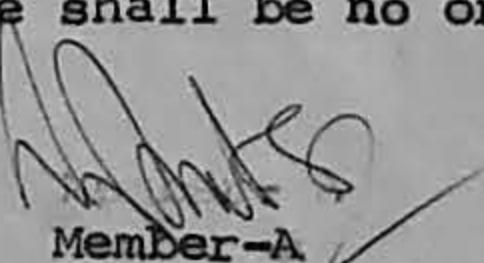
4. Heard learned counsel for the rival contesting parties and perused the record.

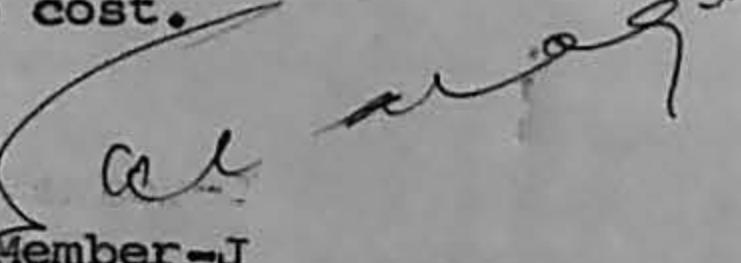
5. The controversy is that, as per applicant, he ought to have been given benefit of having held higher grade in officiating capacity and his increment should have been provided 5 months earlier from the date when it has actually been counted in his service. Learned counsel for the applicant mentions that he can substantiate his claim only when he is allowed to go through his service record.

6. For the above the O.A. is decided with the following directions:-

In case the applicant wishes to prosecute the matter, he may apply before the competent authority to allow him inspection on his non confidential service record within 8 days when he applies for the same and after going through the service record, the applicant may, if so advised, make a representation within 4 weeks, thereafter, and the same be decided by the competent authority within 4 months, thereafter and to provide consequential benefit, if any, to which applicant is found intitled.

7. There shall be no order as to cost.


Member-A


Member-J

/pc/