

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1317 of 1995

Allahabad this the 30th day of May, 2000

Hon'ble Mr.S.K.I. Naqvi, Member (J)
Hon'ble Mr.M.P. Singh, Member (A)

1. Kanhaiya Lal, Son of Late Shri Chiranjiv Lal, resident of Dhosipur P.O. Geeta Wafiya Shahpur, District Gorakhpur.
2. Madan Prasad, Son of Shri Ram Rup Prasad, resident of Bichhia Jungle Tulsi Ram(Sarvodaya Nagar P.O.P.A.C. Camp District Gorakhpur.
3. Nandlal Son of Shri Sheo Balak resident of Village Keen P.O. Sarayan Tiwari District Gorakhpur.
4. Srinath Son of Late Shri Kalu Bhagat, resident of village Jamuar P.O. Sagat Bela, District Gorakhpur.
5. Gaurishankar Son of Shri Dukhi, resident of village Mohanpur P.O. Padri Bazar, District Gorakhpur.

Applicants

By Advocate Shri Pranav Ojha

Versus

Union of India through Chief Workshop Manager
(Mechanical) Workshop , N.E. Railway, Gorakhpur.

Respondents

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By Advocate Shri A.V. Srivastava

O_R_D_E_R_(Oral)

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

S/Shri Kanhaiya Lal, Madan Prasad, Nandlal, Srinath and Gaurishanker have filed this O.A. seeking an order to quash the annexure-A to compilation-I and to direct the respondents to pay the revised pay scale vide office order no.223 dated 15.7.1994 contained in annexure-2 to the compilation-II of the O.A.

2. As per applicants case, they were initially working as Mistri/Fitter in the Office of respondents and by means of office order dated 30.5.1994, the applicants were selected for Charge-man in the scale of Rs.1400-2300 and in continuation of this order, the applicants were promoted from the post of Mistri and Fitter Grade I to the post of Chargeman 'B'. The applicants gave their options as required and their pay scales were enhanced from various dates. The O.A. further goes to narrate that vide order dated 05.7.1995, the respondents have rescinded the orders dated 30.5.94 and 15.7.94 and the applicants have been reverted back with the same pay which they ^{have} ~~have~~ drawing about a year back. Against this order, they have agitated this matter.

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3. The respondents have contested the case with the narration that the respondents in Mechanical Workshop have no further promotional avenues after ~~Mis~~tri Grade I, Fitter Grade I or M.C.M. Grade I, which is Rs.1400-2300 and in order to give such employees further avenues of promotion and to release the stagnation in their service, the Railway Board issued Circular to the effect that such employees may be, after due selection, placed as Chargeman 'B' in the grade of Rs.1400-2300 and thereby they were put to promotion^{al} channel from the stagnated channel and not upgraded or promoted. It has also been mentioned that their pay scale of Rs.1400-2300 has not been changed. It has been clarified that due to clerical error which was detected in the order dated 30.5.94, the benefit of one increment in pay fixation of the applicant, were allowed. When this mistake was detected, the entire matter was placed before the competent authority who after taking into account the entire facts and circumstances of the case and the rules in this regard, corrected the said mistake and on its basis, the order dated 05.7.95 has been issued.

4. Shri Pranav Ojha, Advocate mentioned

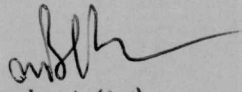
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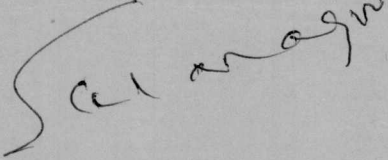
that he has no instructions from the side of the applicants to further prosecute the matter but he was good enough to assist ~~and~~ during the arguments. Shri A.V. Srivastava, learned counsel for the respondents made submissions on behalf of the respondents.

5. From the facts and circumstances as narrated above, we find that while the applicants were working in the Workshop as Mistri Grade I Fitter Grade I or M.C.M. Grade I in the scale of Rs.1400-2300, they had^e no further avenues of promotion and to release this stagnation, the department channelised their service by putting them in the channel of Chargeman 'B', which is of the same grade but with promotion opening. It was not only the applicants but the Office of the respondents ^{also} took it as promotion and fixed the pay of the applicants by giving them benefit of increment as available at the stage of promotion. When this error was detected, it was rectified obviously giving mistaken grievance to the applicants. In short, the increment given erroneously have been

withdrawn, which does not give rise to any
cause of action to the applicants, because it
is ^{not} a case of reversion.

6. For the above, we find that the O.A.
is devoid of merit, hence dismissed. No order as
to costs.


Member (A)


Member (J)

/M.M./