

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

(13)

Original Application No. 59 of 1995

Allahabad this the 26th day of April, 2002

Hon'ble Mr. C.S. Chadha, Member (A)  
Hon'ble Mr.A.K. Bhatnagar, Member (J)

Shri N.L. Hasija S/o Late Shri K.L. Hasija R/o  
42, Nashville Road, Dehradun.

Applicant

By Advocates Shri O.P. Bakshi  
Shri K.C. Sinha  
Shri H.S. Srivastava

Versus

1. The Union of India represented through the Secretary to the Govt. of India, Ministry of Science & Technology, Technology Bhavan, New Mehrauli Road, New Delhi.
2. The Controller of Accounts, Ministry of Science & Technology, (Department of Science & Technology), New Mehrauli Road, New Delhi.
3. The Surveyor General of India, Survey of India, Hathibarkala, Dehradun.

Respondents

By Advocate Shri Satish Chaturvedi

O R D E R ( Oral )

By Hon'ble Mr.C.S. Chadha, Member (A)

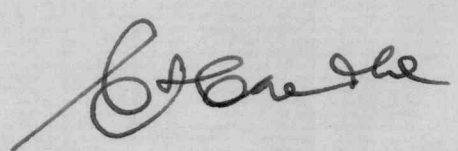
The case of the applicant is that he was working as a Deputy Supdtg. Surveyor in the scale of Rs.2200-4000/- when he was promoted

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and appointed as Superintendent Surveyor on 22.10.91 in the revised pay scale of Rs.3000-100-3500-125-4500. When his pension was fixed, the Central Pay and Accounts Officer, Dehradun & raised an objection that the pay of Shri Hasija had been wrongly fixed earlier in the scale of Rs.3000-4500. Although in annexure-21, which is an internal communication which cannot be relied upon, it is mentioned that he was drawing Rs.3400/- in the scale of Rs.2200-4000/- at the time of promotion, the C.P.A.O. had mentioned that Shri Hasija in October, 1991 was drawing Rs.3300/-. The question is where should the pay of the applicant be fixed on promotion and what should have been his pay at the time of his retirement for fixation of pension.

2. In their counter-affidavit the respondents have merely stated that the applicant cannot get benefit of an ad-hoc promotion and his pay will be fixed only with respect to his substantive promotion. We are unable to agree with this argument. Under the fundamental rules when a person is promoted to a higher scale whether on regular or ad-hoc basis, he is entitled to be fixed in the higher scale after granting one increment to him over and above the pay last drawn by him before promotion. The respondents have not given any chart or <sup>calculation</sup> ~~conclusion~~ as to how the pay at the time of retirement of Sri Hasija was fixed. Learned counsel for the respondents has

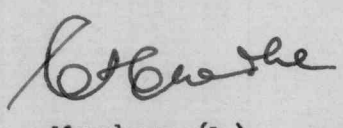


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merely pointed out annexure C.A.-1 which only states that the pay of Shri Hasiya has been rightly fixed without giving any details. The ends of justice will be met only if the case of Shri Hasiya is re-examined by the authorities in view of the directions given above i.e. he should be given one increment and his pay be fixed accordingly in the higher scale of pay whereafter his normal increments will flow in the higher scale. If this was done we will have no reason to interfere but apparently there is a room for doubt and, therefore, the case is remitted back to the authorities with the above direction. When fixing the pay in the above manner if Shri Hasiya is entitled to some arrears, the consequential benefit will also be given. This order be complied with within 3 months from the date of communication of this order. No order as to costs.

  
Member (J)

/M.M./

  
Member (A)