

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 23rd day of August 1999.

Original Application no. 393 of 1999.

Hon'ble Mr. S. Dayal, Admininistrative Member  
Hon'ble Mr. Rafiq Uddin, Judicial Member

Madan Lal Srivastava, S/o Late Shri Naval Kishor,  
R/o House No. 303, New Cooperative Colony (West)  
Mohalla Umarpur, near Politechnic Chauraha, Jaunpur (U.P.).

... Applicant.

C/A Shri Onkar Nath

versus

1. Union of India, through its Secretary, Ministry of Railways, Rail Bhawan, New Delhi.
2. General Manager, Northern Railway, Head Quarters Office, Baroda House, New Delhi.
3. Deputy Chief Commercial Manager (Claims), Northern Railway, Station Building, Varanasi. (U.P.)

... Respondents.

C/R ....

O R D E R

Hon'ble Mr. S. Dayal, Member-A.

This case has been filed on the short point of admissibility of Rs. 35/- which was sanctioned as special pay to the applicant on 01.01.84 to be counted for his fixation of pay in the post of Head Clerk counting special pay of Rs. 35/- alongwith pay scale of senior clerk.

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2. Learned counsel for the applicant has drawn attention to the impugned order dated 20.03.98 in which his request for taking into account special pay of Rs. 35/- in pay fixation as Head Clerk has not been allowed. Learned counsel for the applicant has drawn attention to order of Executive Director Pay Commission II dated 02.08.89 no. PC III/79/30/1/UDC, in which reference has been made to the judgment of Central Administrative Tribunal whereby the UDC who has drawn special pay of Rs. 35/- in terms of Ministry's letter dated 11.07.79 and were promoted to higher posts and fulfils the condition mentioned in the Ministry letter dated 27.11.87 were to be refixed on notional basis from the date of their promotion by taking special pay of Rs. 35/- into account and the actual benefit is to be allowed only on 01.10.85 without payment of any arrears.

3. In this case the applicant become entitled to Rs. 35/- as special pay in the grade of senior clerk and to the higher pay scale of Rs. 1400-2300 in the scale of Head Clerk on the same date and he started drawing the pay of Rs. 1400-2300 from 01.01.84 and, therefore, he can not be allowed to get the benefit of taking into account special pay of Rs. 35/- in fixation of his pay in the grade of Head Clerk.

4. The O.A. dismissed in limine. No order as to costs.

  
Member-B

  
Member-A

/pc/