

Reserved

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.**

ORIGINAL APPLICATION NO. 596 OF 1999

THIS THE 25th DAY OF AUGUST, 2005.

**HON'BLE MR. M.K. MISRA, MEMBER-A
HON'BLE MR. K.B.S. RAJAN, MEMBER-J**

Late Bal Krishna Tripathi through legal representatives Sri Sarvesh Chandra Tripathi and Akhilesh Chandra Tripathi, both sons of late Bal Krishna Tripathi, R/o House no. 87/85 Devi Ganj, (Near Milap Kothi), Fatehpur.

... Applicant

By Advocate : Sri K.N. Katiyar.

Versus.

1. Union of India through the General Manager, N.R., H.Q Office, Baroda House, New Delhi.
2. D.R.M., N.R., Allahabad.
3. Sr. Divisional Commercial Manager, N.R., Allahabad.
4. Sr. Divisional Personnel Officer, N.R., Allahabad.

.....Respondents

By Advocate : Sri P. Mathur.

O R D E R

BY K.B.S. RAJAN, MEMBER-J

The applicant in this OA (Bal Krishna Tripathi) having died in April, 2004, substitution of legal heirs was permitted and accordingly, his two sons are the present applicants in this O.A. For the purpose of easy reference the original applicant i.e. B.K. Tripathi is called the applicant.



2. The applicant at the material point of time was put to officiate on ad hoc basis as Chief Booking Supervisor in the grade of Rs 2,000 – 3200 against an existing vacancy, vide order dated 28-12-1992 (Annexure CA 1). The applicant was later on put under suspension w.e.f. 3-11-1995 and was therefore, not functioning in the said capacity during the period of suspension. Revocation of suspension took place on 19-2-1996 and the period of suspension has been regularized as duty. After revocation of suspension, the applicant was asked to take over the charge from one Shri P.K. Shukla, Head Booking Clerk, vide letter dated 22-02-1996, Annexure A-8.

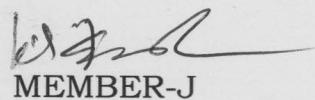
3. The grievance of the applicant is that after his resumption of duties in the wake of revocation of suspension, he was not paid the pay and allowances in the scale of Rs 2000 – 3200 but was put in a lower scale and as such, while his pay should have been fixed at Rs 2,485/- it was fixed at Rs 2,300/-.

4. Respondents have contested the O.A. According to them, after revocation, there has been no specific order posting the applicant to perform the duties of Chief Booking Supervisor as done in the past vide order dated 28-12-1992 and all that he was asked to do was to take over from one Shri Shukla, who was in the grade of Rs 1400 – 2300. Shri Shukla was not paid any officiating allowance etc., As such, there is no question of the applicant being placed in a higher pay scale.

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5. Arguments were heard and the documents perused. Annexure CA 1 is an order passed competent authority, reflecting the pay scale which the applicant was entitled to during the period of officiation and the said order is also specific that the posting of the applicant is on "ad hoc basis". The moment the applicant was kept under suspension, he ceases to hold the said post and on revocation of suspension, if at all the authorities wanted to post the applicant in the said same capacity, procedure warranted that an identical order as of 28-12-1992 was again issued. In fact all that the applicant was asked to do was to take over from one Shri Shukla, who admittedly was in a lower pay scale and he was not paid any officiating allowance etc., Thus, the contention of the applicant that he continued to perform the duties of the Chief Booking Supervisor in the scale of Rs 2000 – 3200 is not based on any documentary proof whereas, the contention of the respondents that no higher responsibility was entrusted to the applicant after revocation of suspension could be substantiated by reference to Annexure A-VIII, which does not specifically provide for officiation in the higher post of Chief Booking Supervisor.

6. In view of the above, the OA fails and is dismissed, however, with no order as to costs.



MEMBER-J



MEMBER-A