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Open Court
**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 27th DAY OF January 2011)

Hon'ble Dr. K. B. S. Rajan, Member (J)
Hon'ble Mr. S. N. Shukla, Member (A)

Original Application No. 689 OF 2002
(U/S 19, Administrative Tribunal Act, 1985)

1. Babu Lal Verma a/a 48years S/o Late Shri Madho Prasad, R/o 55 Bihari pura, Prem Nager, Jhansi.
2. Lakhan Lal Verma a/a 46years, S/o Late Shri Madho Prasad, R/o 55 Bihari pura, Prem Nager, Jhansi.
3. Gurudev Prasad Verma a/a 38 years Late Shri Madho Prasad, R/o 55 Bihari pura, Prem Nager, Jhansi.

.....Applicants

VE R S U S

1. Union of India, through the General Manager, Central Railway, Chatrapati Shivaji Terminus Mumbai.
2. The Divisional Railway Manager (P), Central Railway, Jhansi.

.....Respondents

Present for the Applicant: Sri Rakesh Verma.

Present for the Respondents: Sri Anil Kumar.

O R D E R

(DELIVERED BY HON'BLE DR. K. B. S. RAJAN, MEMBER (J))

We have heard Sri Rakesh Verma, learned counsel for the applicant and Sri Anil Kumar, learned counsel for the Respondents. The applicant claims the benefit of Railway Board's order dated

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(31)

05.05.1995/ Annexure-A-4, translated copy made available at the time of hearing. The same reads as under:-

" R.R.B. No. 43/95

Subject: Railway Services (revised pay) rules 1986-clarification Regarding.
[No.PC-IV/87/Increment/2, dated 5.5.95]

Please refer to the clarification furnished against the point raised at S.No.1 of this Ministry's letter of even number dated 18.5.87 indicating that increment in the pre-revised scale is to be allowed first where the increment fell on 1.1.86 and then the pay fixed in the revised scale of pay.

2. The Staff Side demanded in the National Council (JCM) that a Government servant whose increment fell on 1.1.86 should have his pay fixed in the revised scale without taking into account the increment and that the increment may be allowed in the revised scale of pay. The matter has been under consideration of the Government for some time. It has now been decided that a Government servant whose increment fell on 1.1.86 may be allowed an option to get his pay refixed from, 1.1.86 in the following manner:-

"The pay in the revised scale as on 1.1.86 may be fixed without taking into account the increment due on 1.1.86. After the pay in the revised scale is so fixed, the increment may be allowed on 1.1.86 in the revised scale."

3. The option may be exercised by the concerned employee within a period of six months from the date of issue of these orders. Incase no option is exercised, it shall be presumed that the Government employee has opted to get his pay fixed by drawing increment in the pre-revised scale and, thereafter, the pay being fixed in the revised scale in accordance with the provisions of the Ministry's letter of even no. dated 18.5.87. Contents of this letter may be given adequate publicity."

2. In pursuance of an earlier order dated 27.5.1994 in OA No.1272/1988 the respondents had promoted the applicant retrospectively as hereunder.

वेतनमान	पद	वेतन निर्धारण की तिथि
260-400	कुशल फिल्स	30-8-70

330-480	रेल्वे कुशल फिटर ग्रेड-11	7-12-93
380-500	रेल्वे कुशल फिटर ग्रेड-1	24-3-87
1320-2040		

3. On the basis of the above the applicant's increments would be based on his date of promotion to the next grade i.e. highly skilled labour w.e.f. 07.12.1983.

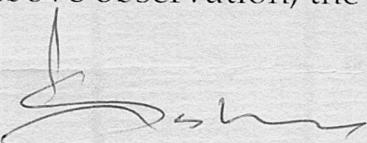
4. Counsel for the parties are not in a position to recollect as to what was the rule position relating to grant of increment at that point of time. It is presumed that the applicant was granted his increment w.e.f. 01.12.1984, his date of promotion being 07-12-1983. If that be the case, the applicant's increment in the year 1985 would be 01.12.1985 and for 1986, 01.12.1986; thus, his case is not covered under the Railway Board's circular.

5. In view of the above we do not find any illegality in the impugned order at Annexure-A-1 as such this O.A. has to be rejected. It is, however, made clear that in case rule position available at the material point of time provides for increment as on 01.01.1985 in respect of the applicant the applicant may prefer suitable representation to the respondents. In that event, the respondents shall consider the case of the applicant for extending him the benefit of the Railway Board's circular mentioned above.



With the above observation, the OA is disposed of. No costs.

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 Member-A  Member-J