

RESERVED.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH ALLAHABAD

This is the 12th day of September, 2018.

ORIGINAL APPLICATION NO. 03 of 2007.

Present:

HON'BLE MR RAKESH SAGAR JAIN, MEMBER (J).

HON'BLE MR. MOHD. JAMSHED, MEMBER (A)

Safdar Abbas aged about 53 years, son of Late Mustafa Husain, Resident of Type-III, 208-A, Colony No.3, Subedarganj, Allahabad.

.....Applicant.

By Advocate: Shri A.K. Srivastava

VERSUS

1. Union of India through General Manager, North Central Railway, Allahabad.
2. Divisional Railway Manager, North Central Railway, Allahabad Division, Allahabad.
3. Senior Divisional Personnel Officer, North Central Railway, Allahabad Division, Allahabad.

.....Respondents

By Advocate : Shri L.M. Singh

O R D E R

BY HON'BLE MR RAKESH SAGAR JAIN, MEMBER (J).

1. The relief sought by applicant in the present O.A.

is:

"Direct the respondents to pay full pay as per upgradation on both grades along with increments properly with effect from the date the applicant is entitled or the date shown for upgradation. The arrears may too be allowed for payment to applicant and the increment was reduced in October 2005 be paid and 3 increments be given which was lost because of illegal reduction of increment. Applicant be granted higher post and grade".

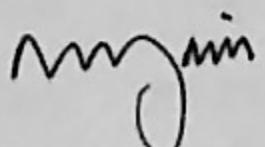
M. J. Jain

2. Applicant was absorbed as Hospital Attendant and upgrade to grade R. 775-1025 (at present Rs.2610-3540) on 01.03.1993 (Annexure- 1). Respondents have placed him on Rs.3475/- on last pay drawn. His pay was upgraded to Rs.2650-4000 w.e.f. 01.11.2003 (Annexure - 2) and was fixed at Rs.3650/- from 01.11.2004. But he was given an increment of Rs. 70/- per year.

3. Applicant's further case is that he was not upgraded to grade of Rs.2650-4000 but drawing the grade of Rs.2610-3540 by which his yearly increments are added and drawing Rs.3790/-. In case, the grade of Rs.2650-4000 was taken into effect from 01.01.1993 then he would be drawing the grade next higher grade of Rs.4500-7000. The respondents have deducted Rs.70/- annual increment in October 2005 and in November 2005 and given the same as Rs.3720/-.

4. In the counter affidavit, it has been averred that at the time of promotion in Grade 2650-4000 (RSRP) with effect from 01.11.2003, applicant was drawing pay of Rs. 3475/- in Grade 2610-3540 (RSRP). Accordingly at the time of final fixation of pay in higher grade Rs.2650-4000 (RSRP) his pay was correctly fixed at Rs.3580/- per month with effect from 01.11.2003 with minimum benefit of Rs.100/- as well as the next stage of the higher grade. It has been further averred that that the pay of applicant was corrected regulated w.e.f. 01.11.2004 as Rs. 3650/- per month.

5. Respondents have further pleaded that the provisional pay of applicant has already been revised and his pay was fixed at Rs. 3580/- per month w.e.f. 01.11.02003 and Rs.3650/- per month w.e.f. 01.11.2004, Rs.3720/- per month w.e.f.



01.11.2005 and Rs.3790/- per month w.e.f.
01.11.2006.

6. Respondents also averred that applicant was not entitled to be considered for grade 2650-4000 (RSRP) w.e.f. 01.01.1993 because it is matter of fact that grade of 2650-4000 fixed for category of Hospital Attendance was not in existence as on 01.01.1993. The grade of Rs.2650-4000 was introduced w.e.f. 01.01.1996 as a result of recommendation of the 5th Pay Commission.

7. We have heard and considered the arguments of the Learned Counsels for the parties and gone through the material on record.

8. The case of applicant for entitlement of grade 2650-4000 w.e.f. 01.01.1993 is squarely met by the respondents that the said grade came into existence on 01.01.1996 as recommended by the 5th Pay Commission. Therefore, the case of applicant on this ground cannot succeed.

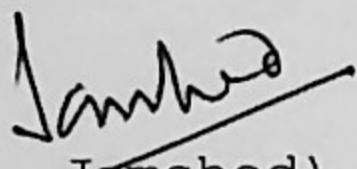
9. However, the question of being given increment of Rs. 70/- per year is to be gone into. As per the respondents, the pay of applicant was correctly fixed at Rs.3580/- per month with effect from 01.11.2003 with minimum benefit of Rs.100/-at the time of final fixation of pay in higher grade Rs.2650-4000 (RSRP). It has been further averred that the pay of applicant was corrected regulated w.e.f. 01.11.2004 as Rs. 3650/- per month, at Rs. 3580/- per month w.e.f. 01.11.2003, Rs.3650/- per month w.e.f. 01.11.2004, Rs.3720/- per month w.e.f. 01.11.2005 and Rs.3790/- per month w.e.f. 01.11.2006.

10. As per the pleadings of the respondent, the actual yearly pay structure for the year seems to be

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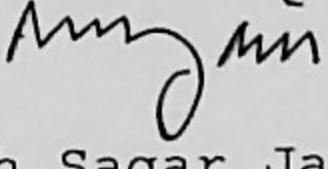
suggesting an increase of Rs.70/- per year being given to the applicant which seemingly contradicts its own stand that the pay of applicant was correctly fixed at Rs.3580/- per month with effect from 01.11.2003 with minimum benefit of Rs.100/-.

11. In these circumstances, the O.A. is partly allowed and respondents are directed to consider this aspect of annual increments of Rs. 100/- instead of Rs. 70/- as was being given to the applicant and pass orders accordingly, which shall be by way of a speaking and reasoned order. Needless to say the increase in the annual increment would lead to re-calculation of the pay during the service of the applicant and as also the retiral benefits. The respondents shall consider and pass appropriate order within a period of two months from the date of receipt of this order and convey the same to applicant. No order as to costs.



(Mohd. Jamshed)

Member (A)



(Rakesh Sagar Jain)

Member (J)

Manish/-