

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

T.A. No.110 of 1996  
(C.R. No.11841-W/81)

Present: Hon'ble Mr. D. Purkayastha, Judicial Member

Hon'ble Mr. G. S. Maingi, Administrative Member

- 1) Bibhuti Bhusan Choudhury,
- 2) Ram Chandra Bishnu Sastri
- 3) Mongal Prosad Verma  
- all working for gain as Office  
Superintendent, Grade-II in  
South Eastern Railway

... Applicants

VS  
VS

1. Union of India, service through the  
General Manager, South Eastern Railway,  
Garden Reach, Calcutta

2. The General Manager, South Eastern,  
Railway, Garden Reach, Calcutta

3. The Chief Personnel Officer,  
South Eastern Railway, Garden Reach,  
Calcutta

4. The Senior Divisional Personnel  
Officer, South Eastern Railway,  
Bilaspore

5. The Divisional Railway Manager,  
South Eastern Railway, Bilaspur

... Respondents

For the Applicant(s): Mr. Samir Ghosh, counsel

For the Respondents : Mr. P. Chatterjee, counsel

Heard on 30.8.1999

:: Date of order: 30.8.1999

O R D E R

D. Purkayastha, JM

Three applicants, viz., Bibhuti Bhusan Chowdhury, Ram Chandra Bishnu Sastri and Mongal Prosad Verma, who were working as Office Superintendent Grade II in the South vEastern Railway had challenged the impugned order of reversion contained in Annexures 'F' and 'G' to the <sup>application</sup> by which the applicants were reverted from the post of Office Superintendent Grade II to the post of Chief Clerk in the scale of Rs.550-750/- (RS) by filing a writ petition before the Hon'ble High Court, Calcutta bearing CR


No.11841-W/81 and all the applicants obtained a stay order from the Hon'ble High Court on 24.10.81 and the case has been transferred from the Hon'ble High Court to this Tribunal for final disposal and the case has been renumbered as TA 110/96. All the applicants are now retired. Mr. Ghosh, learned advocate appearing on behalf of the applicants submits that in pursuance of the order of injunction or stay order granted by the Hon'ble High Court on 24.10.81 the applicants were allowed to continue in the post of office Superintendent Gr.II till the date of their retirement and the applicants would not be prejudiced if the application is disposed of holding that their pension should be determined on the <sup>basis of</sup> average emoluments of last 10 months in terms of the extant rules, if not done earlier.

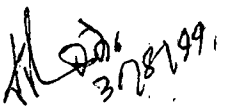
2. Mr. Chatterjee, learned advocate on behalf of the respondents submits that the applicants were reverted with effect from 12.10.81 and all of them were appointed on ad hoc basis. Subsequently they did not qualify in the selection test for holding the post of Office Superintendent Gr.II and accordingly they were reverted.

3. We have considered the submissions of the learned advocates of both the parties and we find that by virtue of stay order obtained from the Hon'ble High Court on 24.10.81 all the applicants were allowed to continue to officiate in the post of Office Superintendent Gr.II till the date of the retirement and virtually the order of reversion had not been given effect to and they rendered service in the respective posts as Office Superintendent Gr.II. Therefore, on the basis of their <sup>pay</sup> officiating/in the posts, they are to get the benefit of last 10 months' average emoluments as per extant rules.

4. In view of the aforesaid circumstances we hold that the applicants are entitled to get officiating pay of the post they held till the date of retirement and their pension and other

retirement benefits should be determined on the basis of the last 10 months' average emoluments. Accordingly the application is disposed of awarding no costs.

  
(G. S. Maingi) 30. 2. 99  
MEMBER (A)

  
(D. Purkayastha)  
MEMBER (J)