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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

.....
DATE OF ORDER : 20.07.1999.

O.A.NO. 267/1996

Idan S/o Shri Ghamando Ram aged about 61 years, retired as a Driver 'C', Northern Railway, Jodhpur, R/o V.P.O.Ratkudia, District Jodhpur.

.....Applicant.

VERSUS

1. Union of India through General Manager, Northern Railway, Headquarters Office, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Jodhpur.
3. Divisional Personnel Officer, Northern Railway, Jodhpur.
4. Divisional Mechanical Engineer, Northern Railway, Jodhpur.

.....Respondents.

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CORAM

HONOURABLE MR. A.K.MISRA, JUDICIAL MEMBER

HONOURABLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

PRESENT :

Mr.J.K.kaushik, counsel for the applicant.
Mr.R.K.Soni, Counsel for the respondents.

.....
O R D E R
(PER MR. A.K.MISRA)
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The applicant has filed this Application with the prayer that the responents be directed to grant increments as well as arrears of salary w.e.f. 1.5.1979 onwards with

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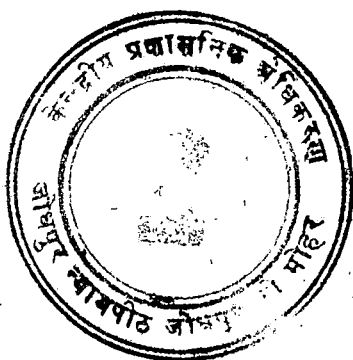
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2.

all consequential benefits alongwith interest at the rate of 12% per annum.

2. Notice of the O.A. was given to the respondents who have filed their detailed reply to which no rejoinder was filed. It is stated by the respondents that the applicant's pay was correctly fixed. During the crucial period, he was under-going punishment of stoppage of annual grade increment by four different punishment orders. The annual grade increments for a total period of six and half years were stopped.

3. We have heard the learned counsel for the parties and have also seen the service book of the applicant.

4. The applicant has challenged the pay fixation order, Annex. A/1. In this pay fixation order, it is stated that from the year 1979 to 1985 annual grade increments for a total period of six and half years were stopped. Taking the punishment into consideration, pay has been fixed and pay fixation is as per rules. The respondents took the same stand in their reply. To confirm the stand taken by the respondents, we have looked into the service book and found that by four separate orders passed during the period 1979 to 1985, annual grade increments of the applicant were stopped for six and half years without cumulative effect and those punishments have been taken into account while fixing the pay of the applicant from 1.5.1979 to 1.11.1985. No error or irregularity in calculation of pay fixation has been brought to our notice by the learned counsel for the



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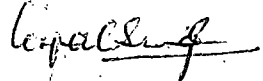
applicant, therefore, we do not find that the respondents, vide Annex.A/1 have wrongly fixed the pay of the applicant. Consequently, Annex.A/1 is not required to be interfered with.

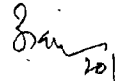
5. In this case, we also notice that applicant has not come with clean hands. Although, the applicant was departmentally punished on four different occasions by stoppage of annual grade increment but, he has completely suppressed this fact in his O.A. This cannot be believed that having been punished for four times, the applicant was not in know of even one single punishment. It appears that applicant was taking a chance to get his pay fixed least the departmental papers may not be available for verification and he may be granted benefit of pay fixation afresh.



6. For the foregoing reasons, we do not find any force in the O.A.

7. The O.A. is, therefore, dismissed with no orders as to cost.


(GOPAL SINGH)
Member (A)


20/7/99
(A.K.MISRA)
Member (J)

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copy
on 27/9
SFC

Part II and III destroyed
in my presence on 11-7-06
under supervision of
section officer as per
order dated 16/5/06

Section Officer (Record)