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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR.**

Original Application No. 169/2004.

Date of decision: 19.01.2005.

Hon'ble Mr. Kuldip Singh, Vice Chairman,

Hon'ble Mr. M K Misra, Administrative Member.

Radha Krishan, s/o Shri Avadh Raj, aged 41 years, Khalasi, under Section Engineer (Works) North Western Railway, Lalgarh, Bikaner, r/o Gali No. 5 Near Tilak STD Rampura Basti, Lalgaarh, Bikaner.

: Applicant.

Re: By Mr. Y K Sharma, Counsel for the applicant.

Versus

1. Union of India through the General Manager, North Western Railway Jaipur.
2. Divisional Personnel Officer, North Western Railway, Bikaner Division, Bikaner.
3. Asstt. Divisional Engineer, North Western Railway, Bikaner Division, Bikaner.

Section Engineer (Works) North Western Railway, Lalgarh, Bikaner.

: Respondents.

Re: By Mr. Salil Trivedi : Counsel for the respondents.

ORDER

Mr. Kuldip Singh, Vice Chairman.

The applicant has filed this O.A as he has a grievance that his pay has not been fixed as per the recommendations of the 5th Pay Commission, which has been accepted by the Government of India and the Railways.

2. The facts, as alleged in the OA, in brief are that the applicant entered service under the respondents as casual labour on 01.08.81 and he was granted temporary status after completion of 120 days continuous service. He was paid wages in regular scale with effect from 01.05.85. It is further

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submitted that the 5th Pay Commission's Recommendations came into effect from 01.01.96 and all the employees have been granted the scale of pay as per the said pay Commission's recommendations. Even though the recommendations of the 5th Pay Commission, has been accepted by the railways, the pay of the applicant has not been fixed in accordance with the recommendations of the 5th Pay Commission. It is prayed that his pay may be re-fixed as per the recommendations of the 5th Pay Commission, and arrears may be paid along with interest at the rate of 12% per annum from the date it was due.

3. The respondents have filed their reply. In the reply they have submitted that they have revised the pay of the applicant as per the recommendations of the 5th Pay Commission from 01.01.96 vide Annex. R/1. However, it is submitted that since the service book of the applicant was with the Divisional Office, the pay of the applicant could not be revised earlier and after receipt of the service book, the pay of the applicant was revised on 16.07.2004. It is further stated that arrears have also been paid

to him.

4. In view of the submissions made by the learned counsel for the respondents and we also find from the records that the applicant has been granted the revised scale of pay as per the recommendations of the 5th Pay Commission and arrears have also been paid. The learned counsel for the applicant also contended that the arrears have been paid to the applicant now. But he submitted that in view of the long delay of more than 6 1/2 years, the applicant is entitled to interest on the arrear amount paid since the other employees have been granted the revised scale of pay as early as in October 1997, and there was no delay on the part of the applicant and it

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was the duty of the administration to call for the service book from the Divisional Office and revise his pay in time when the pay of the other employees were revised.

5. Having gone through the records and on hearing both parties, we are of the considered view that there is no fault on the part of the applicant and the revision of his pay was unnecessarily delayed. The explanation put forth by the respondents in the reply is not convincing. When the service book was available with the Divisional Office, the respondents ought to have called for the same and revised the pay of the applicant along with other employees. In view of the delay in revising the pay of the applicant and paying him the arrears, we order that the applicant is entitled for the interest on the arrears. The respondents are directed to pay simple interest at the rate of 9% per annum on the arrears paid, from 07.04.2003(i.e. the date of representation) till the date of actual payment made to him. This order shall be complied with within a period of one month from the date of receipt of a copy of this order. The O.A is disposed of as above. No costs.

M K Misra)
Administrative Member

(Kuldip Singh)
Vice Chairman



Received copy
ESR 3-1
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P.M. 2

Part II and III destroyed
in my presence on 08/01/14
under the supervision of
section officer () as per
order dated 18/12/2013

Section officer (Records)