

**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR**

ORIGINAL APPLICATION NO. 250/2010

Date of Order: 9-5-2011

CORAM:

HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER

Shri Goverdhan Singh Bhati S/o Shri Dhoor Singh Bhati, aged 49 years, caste Bhati, R/o 75 Gorow House, Air Force Area, Jodhpur (Hall: Chargeman-I, No. 185 Fd, Wksp. Coy (SU) C/o 56 APO).

....Applicant

Mr. S.P. Sharma, counsel for applicant.

VERSUS

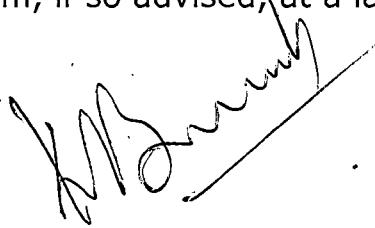
1. Union of India through the Secretary, Ministry of Defence, Government of India, Raksha Bhawan, New Delhi.
2. The Directorate General of EME (EME Civ.), Master General of the Ord. Branch Integrated HQ of MoD (Army), Army Headquarter, DHQ PO, New Delhi-11.
3. Officer-in-Charge, Record Office, E.M.E. Records, Secunderabad – 500 021.
4. The Area Account Officer, (Southern Command), Jodhpur
5. The Commanding Officer, HQ 185 Fd Wksp Coy (SU) (7012 EME Bn.) C/o 56 A P O.

....Respondents.

Mr. M. S. Godara, proxy counsel for
Mr. Vinit Mathur, counsel for respondent Nos. 1 to 3.
None present for respondent Nos. 4 & 5.

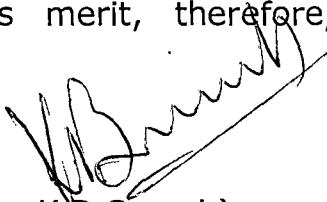
**ORDER
(Per Dr. K.B. Suresh, Judicial Member)**

The applicant seeks to protect the benefits of the promotion granted to him w.e.f. 01.05.2008 to the post of Chargeman-I. But whether he was entitled to promotion as MCM on the two occasions or not, is a not matter covered by the pleadings and the relief, therefore which can be raised by the applicant at a proper forum, if so advised, at a later date.



2. The 6th Central Pay Commission report was implemented with a back date of 01.01.2006. There is no methodology of pick and choose available since the 6th Central Pay Commission merged pay scales of Chargeman-II and Chargeman-I, re-fixation of the pay had become necessary. It is to be noted that the applicant had received other benefits also on the basis of 6th Central Pay Commission, therefore, it is a cumulative process, the applicant can only accept it as a choice in an election as a whole. Having accepted it, the applicant cannot now turn around and say that the benefits which he had secured in 6th Central Pay Commission must continue with him, but what negativity he got along with the 6th Central Pay Commission must be redressed, such a statement cannot be accepted.

3. The Original Application lacks merit, therefore, it is dismissed. No order as to costs.


(Dr. K.B. Suresh)
Judicial Member

kumawat