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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.OA 899 of 97

Date of order : 8.1.2004

Present : Hon'ble Mr.Justice B.Panigrahi, Vice-Chairman
Hon'ble Mr.N.D.Dayal, Administrative Member

P.NANDI & ORS.

VS

UNION OF INDIA & ORS.

For the applicants : None

For the respondents: Mr.R.M.Roychoudhury, counsel

O R D E R

Justice B.Panigrahi, VC

None has appeared on behalf of the applicants. Mr.R.M.Roychoudhury, ld. counsel appears on behalf of the respondents and advanced a submission that because the respondents No.8 & 9, running staff, were decategorised on account of their being medically unfit, therefore they were allowed to function as mechanical staff which conversion the rule otherwise permits the respondents to make. He has also quoted the relevant rules regarding the fixation of seniority of medically decategorised staff. The relevant portion is as below :-

Medically decategorised staff should not be absorbed in higher grades. In the case of running staff, for the purpose of comparison to be made between the scales of pay, 30% should be added to the minimum as well as maximum, of the scale of pay of the running staff for the purpose of identifying the "Equivalent Posts". This benefit will be extended to the running staff who have been absorbed in alternative jobs on or after 1st January, 1973.

(Authority : Board's letter No.E(F)II/77/RE3-2 dt. 2nd Sept/1977 circulated under this office Sl.circular No.9097/77 and E(NG)II-79 RE3/5 dt. 14th June 1979 circulated under this office Sl.circular No.145/79)

2. Accordingly, when the rule prescribes for such conversion from one cadre to the other, we do not find any illegality in converting the cadre of respondents 8 and 9 from running staff to mechanical

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