

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No.1215 of 1997

Present : Hon'ble Mr. S. Biswas, Administrative Member
Hon'ble Mr. A. Sathath Khan, Judicial Member

Amiya Pramanik, S/o Amulya Charan
Pramanik working as DSK-III, S.E. Rly.
under ACOS/SHM, now residing at 91-A,
B.F. Siding, S.E. Rly., Qrs. Shalimar,
P.S. Sibpur, Howrah

... Applicant

VS

1. Union of India, service through General Manager, S.E. Rly., Garden Reach, Calcutta
2. General Manager, S.E. Rly., GRC, Calcutta
3. Controller of Stores, S.E. Rly., GRC, Calcutta-43
4. Asstt. Controller of Stores, S.E. Rly. Shalimar
5. Chief Personnel Officer, S.E. Rly. Calcutta-23

... Respondents

For the Applicants : Mr.B. C. Sinha, counsel

For the Respondents : Mr. S. Chowdhury, counsel

: : Date of order: 28-04-2003

ORDER

Hon'ble Mr. A. Sathath Khan, JM

The applicant seeks direction to the respondents to continue to draw his pay at Rs.1380/- and not at the reduced pay of Rs.1200/- and to fix his pay on promotion as DSK-III on the basis of his pay at Rs.1380/- as Senior Clerk.

2. The case of the applicant is that he was promoted on ad hoc basis as Senior Clerk with effect from 18.2.1988, that he passed the suitability test for the post of Sr. Clerk on 31.5.91, that he was reverted from the post of Sr. Clerk to the post of Material Clerk by order dated 12.4.94 with effect from 31.5.91, that he challenged the reversion order in OA 627/94 before this Tribunal which upheld the reversion but further held that the

reversion order shall not have any retrospective effect, but shall take effect only from the date of issuance of the order^{and} that the salary drawn by the applicant~~s~~ as Senior Clerk during the said period shall not be recovered, that the applicant was promoted as DSK Gr.III by order dated 10.12.94 in the pay scale of Rs.1400-2300/-, that his pay on promotion as DSK Gr.III should be fixed under FR 22-C by taking into account his last drawn pay viz., Rs.1380/- and not at the minimum of Rs.1400/-, that he made a representation dated 15.2.95 in this regard, but the respondents failed to accede to his request. Under these circumstances the applicant prays for the reliefs stated above.

3. The respondents contend that though the applicant was promoted as Sr. Clerk on ad hoc basis with effect from 18.2.88 he was promoted as Sr. Clerk on regular basis with effect from 28.11.91 in the pay scale of Rs.1200-2040/-, that he is not entitled to have his pay fixed at a higher stage as per the rules, that the applicant on promotion as DSK Gr.III in the pay scale of Rs.1400-2300/- is entitled to initial pay fixed at Rs.1400/- only and that the applicant is not entitled to the reliefs prayed for by him.


4. Heard the learned counsel for the applicant and the respondents and considered all the pleadings and relevant records of the case.

5. The short point for consideration in this case is whether the applicant is entitled to the pay fixed under FR 22-C taking into account his last pay drawn viz., Rs.1380/-. Admittedly, the applicant was promoted on ad hoc basis as Sr. Clerk with effect from 18.2.88 and he also passed the suitability test for the post of Sr. Clerk of 31.5.91. The reversion order of the applicant for the post of Sr.Clerk by order dated 12.4.94 with effect from 31.5.91 was quashed by this Tribunal by the order dated 8.6.94 in OA 627/94 and the said reversion order was made effective only from 12.4.94. However, the applicant was promoted as Sr. Clerk


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on regular basis by order dated 12.4.94 with effect from 28.11.91. Hence the reversion order has no effect at all and the applicant continued as Sr. Clerk from 23.2.88 on ad hoc basis and from 28.11.91 on regular basis. Under these circumstances, we hold that the pay of the applicant in the post of Sr. Clerk should be drawn at Rs.1380/- from April, 1994. Similarly, when the applicant was promoted as DSK Gr.III on 10.12.94 the applicant's pay should be fixed under FR 22-C on the basis of the last pay drawn by the applicant as Sr. Clerk. Accordingly, we direct the respondents to fix the pay of the applicant as Sr. clerk at Rs.1380/- from April, 1994 and also fix the pay of the applicant as DSK Gr.III under FR 22-C on the basis of the last pay drawn by the applicant as Sr. Clerk with all consequential benefits.

6. In the result, the OA is allowed as indicated above with no order as to costs.


(A. Sathath Khan)

MEMBER (J)


(S. Biswas)

MEMBER (A)

28/4/03