

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No.O.A.367 of 1997

Date of order : 4.10.2001

Present : Hon'ble Mr. Rafiquddin, Judicial Member

Hon'ble Maj. Gen. K.K. Srivastava, Administrative Member

A. AUDISESHAN

VS.

UNION OF INDIA & ORS.

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

For the respondents: Mr. K.C. Saha, counsel

O R D E R

The applicant has filed this O.A. seeking direction to the respondents to grant fixation of his pay in the scale of Rs.1600-2660/- as Divisional Transportation Inspector (DTI) as per his promotion order dated 23.3.95 and also to allow him to draw arrears from 1.3.94 with other consequential benefits.

2. The case of the applicant is that the applicant joined South Eastern Railway on 1.7.76 and was promoted as Tank Wagon Inspector(TWI) in the scale of Rs.1400-2600/- and

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has been working at Garden Reach. During his posting at Garden Reach, the applicant was promoted as DII in the scale of Rs.1600-2660/- w.e.f. 1.3.94 vide office order dated 23.3.95(Annexure 'A' to the O.A.). It is stated that the promotion of the applicant has been made as^a result of restructuring of the cadre. However, the respondents have not fixed his pay in the revised scale of pay of Rs.1600-2660/- from 1.3.94. The applicant submitted representation on 18.11.96 to the concerned authority, but that has not been replied to. Being aggrieved by inaction on the part of the respondents, he has filed the present O.A.

3. We have heard the ld. counsel Mr. B.C. Sinha for the applicant and Mr. K.C. Saha for the respondents.

4. It is not disputed by the respondents that the applicant was promoted as DII(Sr.) in the scale of Rs.1600-2660/- vide office order dated 23.3.95. It is further contended by the ld. counsel for the respondents that the benefit of restructuring occurred in Kharagpur Division with effect from 1.3.94 and the same could not be extended to the applicant because the applicant has been working in Garden Reach. It is also pointed out that the cadre of Garden Reach is separate

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than that of Kharagpur.

5. The ld. counsel for the ^{respondents} applicant has ~~also~~ pointed out that the applicant had applied for his retention at the headquarters office (Garden Reach) vide his application dated 5.3.97 against an existing vacancy in Garden Reach office which arose w.e.f. 5.3.97. The applicant has been granted the benefit of new pay scale w.e.f. 5.3.97. Ld. counsel for the applicant has denied the claim of the respondents that the applicant has been given the new pay scale with effect from 5.3.97.
6. We, however, are not convinced from the ld. counsel for the respondents that the applicant could not be given the benefit of new pay scale from 1.3.94 as granted to him vide order dated 23.3.95. The respondents have no doubt referred to some application of the applicant submitted on 7.2.97 for his retention at Garden Reach, but the same has not been made available by the respondents. There is also no document or material to prove that the applicant was retained at Garden Reach at lower scale of pay i.e. 1400-2300/-. It has not been disputed by the respondents that the applicant all along was working at Garden Reach as Sr.

DTI. Therefore, we fail to understand why the applicant is not entitled to the new pay scale.

7. So far the question of non-availability of post at Garden Reach is concerned, there is no material document to prove this claim of the respondents.

8. We find that after having been promoted as Sr. DTI in the revised pay scale, the respondents have no justification to deny him the benefit of new pay scale. We accordingly, allow this O.A. and direct the respondents to fix the pay of the applicant in the revised pay scale i.e. 1600-2660/- w.e.f. 1.3.94 and pay him the revised pay scale. Necessary exercise be completed within 3 months from the date of communication of this order. No order as to costs.


MEMBER(A)


MEMBER(J)