

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 294 of 1999

Monday, this the 11th day of June, 2001

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. C. Ravindran, S/o O.M. Nambiar,
Prosecuting Ticket Collector,
Southern Railway, Railway Court, Shoranur
Residing at: "Suryanilayam",
Mudaliyar Street, Shoranur.Applicant

[By Advocate Mr. T.C. Govindaswamy (rep.)]

Versus

1. Union of India, represented by
the General Manager, Southern Railway,
Headquarters Office, Park Town PO, Madras-3
2. The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division, Palghat.
3. The Divisional Railway Manager,
Southern Railway, Palghat Division, Palghat.
4. The AIR Officer-in-Charge,
Air Force Record Office,
Subroto Park, New Delhi - 110 010Respondents

[By Advocate Mr. Thomas Mathew Nellimoottil (R1-3)]
[By Advocate Mr. P.J. Philip, ACGSC (R4)]

The application having been heard on 11-6-2001, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

The applicant seeks to direct respondents 1 to 3 to fix
his initial pay in the reemployed post of Commercial Clerk by
granting one increment for every completed year of Defence
service and to grant consequential benefits including arrears
thereof.

2. The applicant was employed in Air Force in the pay scale of Rs.130-240 as per the Second Pay Commission scales of pay. After nine years of service, he was discharged from Air Force. Eversince his reemployment, he was requesting the authorities to count his military service for pension and also to fix his pay by drawing one increment for every completed year of service rendered by him in the Air Force. Due to nonfeasance on the part of the authorities to reckon his Defence service as qualifying for pensionary benefits, he approached this Bench of the Tribunal. As per directions of this Tribunal, the period of service from 6-6-1959 to 5-6-1968 was finally reckoned as qualifying service as per A1 dated 3-8-1994. He continued to represent before the authorities in connection with the initial fixation of his pay in the reemployed post. Respondents ought to have fixed his initial pay in terms of para 117 (12) of Section G of Chapter I of the Indian Railway Establishment Manual Vol.I, by granting one increment for every completed year of defence service.

3. Respondents 1 to 3 resist the OA contending that the OA is liable to be dismissed in limine for delay and laches. There is acquiescence also. The applicant was drawing Rs.251/(Basic Pay + GCB + DA) at the time of his discharge on 5-6-1968. As the last pay drawn is less than the minimum of the pay scale of the reemployed post plus pension equivalent to gratuity, no hardship exists in this case. Thus no fixation can be allowed. He was given a reply on 12-6-1995. Rs.251/being the last pay drawn by the applicant while working in the Air Force, fixation of pay in the Railways on his reemployment at Rs.260/- is proper and there is no anomaly.

4. It is the admitted case of the applicant that he is reemployed under respondents 1 to 3 and formerly he was working in the Air Force. The applicant has felt it very convenient not to mention the date of discharge from the Air Force and the date of his reemployment under respondents 1 to 3. Respondents 1 to 3 have stated in the reply statement that the applicant was reemployed under them on 18-10-1979 as Relieving Clerk, that he was given category of change at his request as Ticket Collector on 26-11-1983 and that he was promoted as Senior Ticket Collector with effect from 4-12-1986. Though a rejoinder is filed, there is no denial of this statement of respondents 1 to 3. Thus, it is very clear that the applicant has approached this Tribunal with this OA after a lapse of two decades from the date of reemployment under respondents 1 to 3. There is no ground stated for the inordinate delay of two decades. The OA is hit by delay and laches.


5. That apart, respondents 1 to 3 have specifically stated that the applicant was drawing a basic pay of Rs.150/- in the scale of Rs.140-5-150 + GCB of Rs.10/- apart from DA/ADA of Rs.91/-, totalling to Rs.251/-, at the time of his discharge from Air Force. In the rejoinder what is stated is that the applicant was entitled to draw a DA of Rs.114/-. So, there is no case for the applicant that he was drawing more than Rs.251/- per month at the time of his discharge from Air Force. If he was entitled for a higher DA, he ought to have taken up the matter with the authorities concerned at the appropriate time. It is not enough to say that he was entitled. There is no material to show that the applicant was drawing anything

more than Rs.251/- per month at the time of his discharge from Air Force. That being the position, there is no ground to grant the relief sought by the applicant.

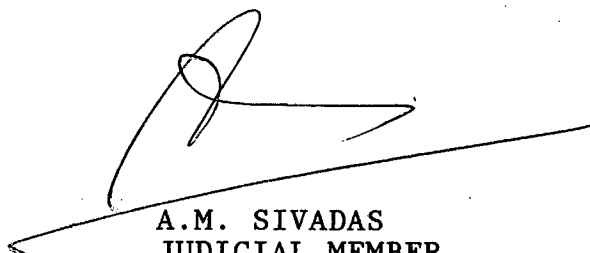
6. Accordingly, the Original Application is dismissed. No costs.

7. The learned counsel for respondents 1 to 3 appeared at the fag end of the dictation.

Monday, this the 11th day of June, 2001



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

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