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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

O.A.No. 42 of 1989 (L)

A.N.Pathak..... Applicant

Versus

Union of India and others... O.Party

Hon'ble Mr. Justice U.C.Srivastava, V.C.

(By Mr. Justice U.C.Srivastava, V.C.)

By means of this application the applicant has prayed that he may be allowed the salary of the post of foreman on which post he was working since the year 1965 or from a date fixed by this Tribunal and has also claimed interest. The applicant was appointed as driver in the year 1956 and was later on given selection grade. During the pendency of this application he retired from service in the year 1990. He alleged to have been promoted to the post of fitter in the year 1965 to supervise vehicle but the respondents have denied it and it has been stated by them that this request for promotion to the post of Supervisor Vehicles which post was later on merged with other post and redesignated as foreman (Junior) was not considered. The applicant's assertion is that he continued to perform the duties of supervising the vehicles and no other person was posted on the said post or given its salary. It appears that the applicant did not raise the matter earlier and has been casually moving representations in this behalf. The first representation which has been placed on record of the year 1976 in which too he demanded special pay. In the year 1987 queries were made from him regarding his prayers. The applicant was an employee of a Government Department and no appointment could have been made without a written order. Along with the rejoinder affidavit the applicant has filed

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certain documents indicating duties assigned to him from time to time. The documents indicate extra duties in respect of vehicle or vehicles handled by the applicant were given to him but on that basis he could not claim that he should be deemed to be a foreman and entitled to the salary for the said post. In any case no such amount can be claimed by the applicant for a period before the Administrative Tribunal came in force. The Tribunal was born in 1985. A prayer to that extent if anything happened no such claim is entertainable as the applicant has failed to prove it, as he was never appointed as a foreman. The application is accordingly dismissed with the observations that the department may even now consider the payment of extra emoluments to him in respect of extra duties performed by him. Let a decision be taken as far as far as possible within a period of three months from the date of communication of this order.

No order as to cost.

Dt: 20th Dec. 1991.

V.C.

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