

(AS)

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW.

O.A.No.473 of 1991.

Amrik SinghApplicant.

Versus

Union of India & another.....Respondents.

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

Hon'ble Mr.K.Chayya,A.M.

(By Hon'ble Mr.Justice U.C.Srivastava,V.C.)

The applicant, who has now retired from service, started his service as Khalasi and he, through promotional channel, was found suitable in the test of Mistry Production conducted by the Production Engineer and he officiated many times as Mistry production between 1967 to 1970 and thereafter he was promoted as Production Mistry on a clear permanent post. In 1987, he was illegally transferred from Production Section(Progress) to Foundry Shops on pay of 1760/- where he earned two increments and his substantive pay was raised to 1850/- p.m. The applicant in this case has prayed that the order dated 21.1.89 be set aside and the manipulated seniority list dated 16.11.88 be also quashed and the respondents may also be directed to correct the seniority list in accordance with law and further they may be directed to decide the representation of the applicant after giving him personal hearing. In the order dated 21.1.89 and the seniority list, which is under challenge, the applicant was shown as Mistry from 30.9.83 and not from 29.6.70 since when he was officiating.

2. The applicant's grievance is that he was not given cadre according to his seniority and he was entitled to higher pay scale and yet his substantive pay has been reduced because of the order which tantamounts his reversion which is under challenge in this

case.

3. Similar case had come before us in 'Om Prakash Mishra Vs. Union of India & others' (O.A.No.303/90) and in other connected matters which we disposed of by a common judgment on 24.6.92. We allow this application also in the same terms. The order passed in the abovementioned cases reads as under:-

"Accordingly, the respondents are directed to reconsider this position in the light of directions given by Hon.Supreme Court and the representations have been rejected will be deemed to be pending and the orders rejecting them would be deemed to have been quashed in O.A.No.340/89 and 317/90.

Let a decision be given in this behalf within three months of the date of communication of this order and benefit would be given to the applicants with retrospective effect, viz. the date of entitlement notwithstanding the fact that some of them may have retired from service. No order as to costs."

4. The said judgment shall also form part of this judgment.


MEMBER (A)


VICE CHAIRMAN.

DATED: JANUARY 4, 1993

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