

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

ORIGINAL APPLICATION No. 621/92

Isher Singh

Applicant

versus

Union of India through General  
Manager, North Eastern Railway  
Gorakhpur and others.

Respondents

HON. MR. S.N. PRASAD, JUDICIAL MEMBER.

Briefly stated, the facts of this case, inter alia are that the applicant was promoted as Assistant Engineer, Electrical, N.E. Railway vide order dated 21.2.80 and he joined as such on 22.2.80. He continued to work as Assistant Engineer Electrical Grade B upto 3.9.83 and on 3.9.83, was promoted as Divisional Electrical Engineer (Colony) N.E. Railway, Gorakhpur; and this promotion order mentioned that apart from the pay of Assistant Engineer Electrical he would be given the special pay of Rs 150/- per month. The applicant was transferred from Gorakhpur to Izatnagar, Bareilly in temporary capacity under order dated 23.11.83 where he joined on 24.11.83; and the applicant was entitled to the pay of Senior scale of Grade A from 24.1.83 which was denied to him on the plea of ad hoc posting, although the applicant was holding the same post which ~~which~~ was held by the regular appointees working in Senior grade; and there was no reason for denying equal pay and allowances to the applicant. It has further been stated that by the order No. Ka 256/50 E.L.C. dated 22.8.86 (Annexure 1) the applicant was given the senior scale of Rs 1100-1600 w.e.f. 7.7.86 in the pre-revised scale and in terms of this order the pay of the applicant was fixed at the rate of Rs 3500/- per month from 7.7.86. It has

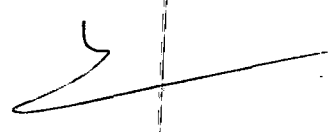
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further been stated that with the addition of increments the applicant's pay was raised to Rs 3750/- per month <sup>and</sup> ~~while~~ his pay should have been further raised to Rs 3875/- per month from 1.7.89 on account of annual increment, but it was not done; and vide order dated 30.6.89 (Annexure 2) the applicant's pay was deducted on the ground of excess payment and a sum of Rs 250/- per month from 7.7.86 was wrongly recovered from the applicant and thus a sum of Rs 9,000/- was deducted. The applicant preferred a representation <sup>dated 8.4.90</sup> ~~against the order~~ dated 8.1.90 praying that his pay should have been fixed in the Senior grade with effect from September, 1983; and he also sent various reminders.. but nothing materialised, and as such the applicant has approached the Tribunal praying that the orders dated 22.8.86 and 30.6.89/-8-89 (Annexurs 1 and 2) be quashed and his pay be directed to be fixed in the Senior scale of Grade <sup>A</sup> from 3.9.83 and in the alternative from 1.12.84 and for direction <sup>for</sup> refund of amount of Rs 9,000/- with interest <sup>to the applicant.</sup>

2. The respondents have filed counter affidavit wherein they have resisted the claim of the applicant, and it has been contended that the applicant is not entitled to the relief sought for.

3. Rejoinder Affidavit has been filed by the applicant wherein he has almost reiterated almost those view-points as set out in the Original Application.

4. I have heard the learned counsel for the applicant and have thoroughly gone through the records of the case.




5. The learned counsel for the applicant while drawing my attention to the contents of the application and the papers annexed thereto has pointed out that the representation of the applicant (Annexure 12) is still lying pending with the General Manager (P), N.E. Railway, Gorakhpur and ~~is~~ <sup>has not been</sup> ~~still lying~~ <sup>so far and as much</sup> undecided and a suitable direction to the respondents to decide the above representation at an early <sup>date</sup> may go a long way in substantially redressing the grievance of the applicant.

6. The learned counsel for the <sup>respondents</sup> applicant has not controverted about the above ~~fact~~ <sup>records also it appears that</sup> fact and from the perusal of Annexure 12 to the ~~of the~~ application dated 8.1.90 has still not been decided.

7. Thus, having considered all the view points, and all aspects of the matter I find that the ends of justice would be served if the respondents 1 and 2 are directed to decide <sup>dated 8.1.90 (Annexure 12)</sup> the above representation of the applicant by reasoned and speaking order, keeping in view ~~keeping in view~~ <sup>also</sup> the extant rules and regulations, and the matter contained in Annexure 11 and <sup>to</sup> redress the grievance of the applicant accordingly with a period of two months from the date of receipt of copy of this judgment; and <sup>I</sup> order accordingly. It is made clear that in case the above representation (Annexure 12) and ~~copy~~ of Annexure -11 are not readily available with the respondents 1 and 2, then in that case the applicant shall furnish a copy thereof within 10 days of the receipt of the copy of this judgment to enable the respondents 1 and 2 to decide the above

representation as directed above with <sup>in</sup> the <sup>said</sup> specified period of time.

8. The application of the applicant is disposed of as above. No order as to costs.

  
JUDICIAL MEMBER.

LUCKNOW: Dated: 2.11.93

2.11.93

Shakeel/