

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 1029/92

DATE OF DECISION: 3 / 5 / 2001

Shri Namdeo Balavant Shelke

Applicant

Shri D.V.Gangal

Advocate for
Applicant.

Versus

Union of India & Anr.

Respondents.

Shri S.C.Dhawan

Respondents.

Coram:

Hon'ble Shri S.L.Jain, Member(J)

Hon'ble Smt. Shanta Shastri, Member (A).

1. To be referred to the Reporter or not? | x
2. Whether it needs to be circulated to
other Benches of the Tribunal?
3. Library. ✓

L- f
(SHANTA SHASTRY)
MEMBER(A)

abp

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO:1029/92

DATED THE 3rd DAY OF MAY, 2001.

CORAM: HON'BLE SHRI S.L.JAIN, MEMBER(J)

CORAM: HON'BLE SMT.SHANTA SHASTRY, MEMBER(A)

Shri Namdeo Balavant Shelke,
working as Chargeman B Grade,
under the second Resondent and
Residing at Railway Quarter
R/B II 725, Panchawati area,
Marmad.

... Applicant.

By Advocate Shri D.V. Gangal

V/s.

1. The Union of India through,
The General Manager,
Central Railway,
Bombay V.T., Bombay 400 001.

2. The Chief Workshop Manager,
Bridge Workshop,
Central Railway, Marmad,
Dist. Nasik.

... Respondents

By Advocate Shri S.G. Dhawan

(ORDER)

Per Smt. Shanta Shastri, Member(A).

The applicant is aggrieved by the pay fixation since 1982. He has accordingly sought the following reliefs as in para 8 of the OA.

- 8.a) To hold and declare that the Applicant should be granted pay scale of Rs.110-180 on 28/6/83 at Rs.113 as basic pay.
- b) To hold and declare that the Applicant should be granted basic pay of Rs.230 as High skilled grade II in the pay scale of Rs.130-180/330-480 on 31/7/74.
- c) To hold and declare that the Applicant should be granted pay scale of Rs.380/560

...2.

on 1/8/78 at Rs.445/- as basic pay, as High Skilled carpenter Grade-I.

- d) To hold and declare that the Applicant should be granted pay scale of Rs.425-600/1400-2300 on 1980 at Rs.1640/- as basic pay as Chargeman B.
- e) To hold and declare that the Applicant should be granted arrears arising out of prayers (a) to (d) above and further grant any other relief as the Hon'ble Court deems it fit and proper.

2. The grievance of the applicant is that his pay has not been fixed under FR ²²/₂ C of the FR/SR as applicable to Railway Servants when he was promoted to the post of Carpenter from the post of Khalasi and then to the post of Skilled Carpenter. According to him he was entitled to pay fixation in the Grade of Rs.110-180 with his pay to ^{be} fixed at Rs.113/- on 28/3/1963 or in any case at Rs.110/- on the aforesaid date. However, the respondents have granted him the pay of Rs.110/- on 10/2/1964. This wrong pay fixation was perpetuated/inspite ^{without correction} of representations made by him. He was further promoted as High Skilled Carpenter Grade-II on 17/10/1973 in the pay scale of Rs.130-180 (Rs.380 - 480) as revised by the IIIrd Pay Commission., his basic pay should have been fixed at Rs.139/- then. He was further promoted to Grade-I on 1/8/78 and ^{as} Chargeman B and his pay was fixed at Rs.440/- in the payscale of Rs.425-700 (RPS 1400-2300) while that of his juniors like Shri Nazeer and Others was fixed at Rs.460/- in the same scale.

3. The learned counsel for the applicant submits ~~that~~ when the applicant took inspection of his service record and personal file which showed that he had passed the ~~xxxxxxxxxxxxxxxxxxxx~~ Trade Test for promotion to the post of Carpenter in or about January/February, 1963. He was promoted by Office order dated 28/10/63 having been declared passed by order dated 25/3/63. He was shown in the grade of 110-180. Rightly therefore his pay should have been fixed at Rs.110/-. Again he gave a Trade Test for Highly Skilled Grade-II before 17/10/73 and was promoted after passing on 17/10/73 in the scale of 130-560. The learned counsel further contends that the applicant was granted one advance increment due to loyalty towards ~~respondents in the~~ 1974 strike. That was to be granted on 1/10/74., but the same has not been granted.

4. The applicant has annexed a Chart (Annexure-VIII) showing his entitlements. ~~Since there were discrepancies~~ the respondents ~~were~~ asked to submit a fresh chart indicating the details of the pay fixation of the applicant. The same has been produced, by the respondents. The service record was also shown in the Court. It was perused. It was found that the applicant was promoted as Carpenter only w.e.f. 10/2/64 and not from 28/3/1963 as claimed by the applicant. Therefore the very basis of the grievance of the applicant does not survive.

5. The learned counsel also saw the entry and conceded the same. It is also seen from the chart submitted by the respondents that the applicant was given the loyalty increment. The applicant had been reverted as pattern maker Grade-II on 21/2/74 and was again temporarily promoted from

31/7/74. Once again he was reverted on 1/5/75 and was again temporarily promoted to officiate as pattern maker Grade-II from 12/2/76. The details given in the statement have been tallied with the service book and the personal record of the applicant. The applicant could not produce any material to contradict the fresh chart given by the Respondents. The learned Counsel for applicant therefore conceded that the applicant had no case.

6. It is very clear that the application is devoid of merits. Therefore the same is dismissed. We do not order any costs.

Shanta S-
(SHANTA SHASTRY)
MEMBER (A)

S.L. Jain
(S.L. JAIN)
MEMBER (J)

abp.