

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 819/94

Transfer Application No:

DATE OF DECISION: 03/01/1995

Narendra Singh Petitioner

Shri. H.A. Sawant Advocate for the Petitioner

Versus

Union of India & Ors. Respondent

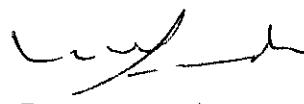
Shri. N.K. Srinivasan Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri Justice M.S. Deshpande, Vice Chairman

The Hon'ble Shri

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


(M.S. Deshpande)
V.C

J*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. 819/94

Narendra Singh ... Applicant

Vs.

Union of India & Ors. ... Respondents

CORAM : Hon'ble Shri. Justice M.S. Deshpande, V.C

APPEARANCES

1. Shri. H.A. Sawant, Counsel
for the applicant
2. Shri. N.K. Srinivasan, Counsel
for the respondents

ORAL JUDGMENT

DATED : 03/01/1995

(Per Shri. Justice M.S. Deshpande, Vice Chairman)

The only question which arises for consideration in the present case is whether when the applicant came to be promoted as Senior Typist with effect from 01/06/1993, ^{he} was entitled to the pay in senior scale from 1.06.1993 to 31.12.1993. There is no dispute about the fact that the applicant was paid in the senior scale from 01.01.1994. The applicant who was working as Junior Typist under Works Manager/Mahalaxmi at Rs.1,050/- on 01-12-1992 came to be promoted

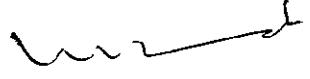
alongwith three others and his place of work was indicated in the order dated 01/06/1993 (Annexure 'R1') as WM/MX i.e. Works Manager, Mahalaxmi. In the remarks column, it was mentioned that he was drafted against the MOG (Elect) post with immediate effect. There ^{after} was some correspondence followed. On 06.07.92 (at Annexure 'R2') WM/MX was advised to arrange to relieve the applicant, a Jr. Typist, on promotion to the post of Sr.Typist under Dy. CEE(W)/PL and to comply with the office order. On 16th October 1993, by Annexure 'R3', the same request was repeated and it was mentioned that the applicant who was under orders of promotional transfer to DY.CEE(W)/PL, against work charge post of MOG Elect./PL had not reported to DY.CEE(W)/PL even after repeated reminders. The letter dated 25.2.1994 at Annexure 'R4' shows that the retention orders of the applicant as Sr.Typist under WM/MX was issued on 18.1.94 and he was entitled for payment for Sr.Typist from the date ~~of~~ his orders as Sr.Typist under WM/MX office was issued. It was also mentioned that the orders cannot be retrospectively effected as desired in the letter dated 10.2.1994. The letter dated 10.2.1994 was not produced but it was reiterated by the letter dated 22/4/1994 at Annexure 'R5' that the applicant was eligible for the payment ^{of} Sr.Typist only from the date ^{of} revision of orders and it cannot be paid for the earlier period when there was no post.

2. When ¹ enquired from the learned counsel for the respondents as to what was the difference in the duties of Jr.Typist and Sr.Typist, he ~~has~~ informed me that there was no difference in duties except that the Sr.Typist typed more important letters while the Jr.Typist typed less important letters. The production of letter dated 10.2.1994 would have indicated what work the applicant had been doing under WM/MX and what was the basis for the request made that the applicant should be paid retrospectively with reference to the orders issued on 1.6.1993. The office order ~~is at~~ Annexure 'A1' shows that the place of work of the applicant would be WM/MX even on promotion though the applicant ~~has~~ been drafted against MOG(Elect.) post with immediate effect. The contention is that the post which was available came to be transferred only later to Parel from Mahalaxmi and the applicant would not be entitled to the wages for the period prior to the transfer of post. There is no material on record to show that the post against which the applicant had been transferred, had been filled earlier and was not available for being transferred to Mahalaxmi when the orders dated 1.6.1993 were issued. In the circumstances, it is difficult to support the action of the respondents denying the wages to the applicant from 1.6.1993 to 12.1.1994.

3. In the result, the O.A. is allowed and the respondents are directed to pay to the applicant the difference in the two grades of emoluments with

effect from 01.06.1993 to 31.12.1993 within a period of two months from the date of communication of this order.

There is no orders as to costs.


(M.S. DESHPANDE)
VICE CHAIRMAN.

J*