

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR  
BENCH, JAIPUR.

F.A. No. 309/92

Dt. of order: 5.7.93

Madan Lal

Applicant

vs.

Union of India & Ors. : Respondents

Mr. J. K. Kaushik : Counsel for applicant

CORAM

Hon'ble Mr. Justice D. L. Mehta, Vice Chairman

Hon'ble Mr. O. P. Sharma, Member (Adm.).

PER HON'BLE MR. JUSTICE D. L. MEHTA, VICE CHAIRMAN.

The plaintiff had filed a suit in the Court of Munsif, Sambar Lake and prayed that the decree of the declaration may be granted in favour of the plaintiff to the effect that the plaintiff has been on the post of T.C and T.N.C from the date of suit to the date of retirement that is 31.12.86 and he may be granted pay, allowances, increments, etc. by fixation of his pay as per rules. There is also a prayer that the plaintiff may be given all consequential benefits of pension, gratuity, PF, etc. as per rules of the post of T.C & T.N.C. from the date of the suit. On behalf of the respondents no reply has been filed in spite of the fact that the suit has been pending since 1982. It is the settled law that a person who physically performs his duty on a particular post after being validly appointed to it, is entitled to pay & allowances and other benefits of the post.

2. The respondents are directed to grant necessary benefits flowing from the post which the applicant was holding immediately before the date of his retirement. After giving him the above benefits, necessary orders

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for the revision of all pensionary benefits should also be passed. The P.A. is disposed of accordingly. This order should be complied within a period of 3 months. No order as to costs.

(O.P.Sharma)  
Member (A)

(D.L.Mehta)  
Vice Chairman.