

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,
J A I P U R

Date of Order : 26.8.92

O.A. No. 723/89

R.N.Gupta : Applicant

Mr.S.P.Mathur : Counsel for the Applicant.

Union of India & Anr. : Respondents

Mr. Manish Bhandari : Counsel for the respondents.

CORAM :

THE HON'BLE MR.JUSTICE D.L.MEHTA, VICE CHAIRMAN
THE HON'BLE MR.B.B.MAHAJAN, ADM. MEMBER

PER JUSTICE D.L.MEHTA, VICE CHAIRMAN :

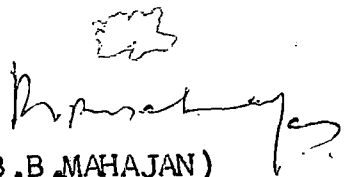
Heard learned counsel for the parties.

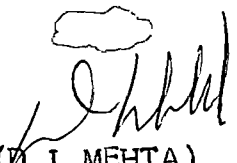
Reply cannot be entertained as the cost has not been paid. Mr. Mathur submits that he will only argue on the point of grant of passes and he does not press the other reliefs prayed for.

Mr Mathur accepts that his client was appointed on officiating basis in Nov., 1986. He further submits that his client was holding the post of ad hoc basis from April, 1986. He retired in Sept., 1988. Mr. Mathur submits that the pay which he was drawing should be considered as a substantive pay. He has referred to the provisions

contained in the Pass Rules of Indian Railway Establishment Manual. We have gone through the rule. The rule provides that passes for post retirement will be based on substantive pay, but if the employee had been officiating for 3 years continuously officiating pay may be taken as basis. A person who is holding a substantive post only gets substantive salary in that cadre post. In case the person ~~is~~^{is} officiating then naturally gets the officiating pay. He was not substantive in class II at that the time of retirement ^{and} had also not completed 3 years. Officiating service in class II. He was therefore, not entitled to 3 passes. We do not find any force in the submissions of Mr. Mathur.

The O.A. is rejected. No order as to costs.


(B.B. MAHAJAN)
Member (Adm.)


(D.L. MEHTA)
Vice-Chairman.