

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.157-OF-1994

DATE OF ORDER:- 20th-March, -1997

BETWEEN:

N.H.KUMAR



.. APPLICANT

1. The Divisional Railway Manager,
South Central Railway, Vijayawada,
2. The Sr.Divisional Personnel Officer,
S.C.Railway, Vijayawada.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.G.V.SUBBA RAO

COUNSEL FOR THE RESPONDENTS: Mr.J.R.GOPALA RAO, ADDL.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Shri G.V.Subba Rao, learned counsel for the applicant and Shri J.R.Gopala Rao, learned standing counsel for the respondents.

2. The applicant while working as Senior Ticket Collector/TTE in the grade of Rs.330-560 was issued with a charge sheet for certain lapses. Some posts in the ticket checking cadre were upgraded with effect from 1.1.84. It is stated that the applicant was eligible for promotion against the restructured post. But as a charge sheet was

8. The OA is disposed of on the above lines. No order as to costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

[Signature]

न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH

केस नम्बर	CASE NUMBER	# 157/94
निर्णय का तारीख	Date of Judgement	20/3/97
प्रति तैयार किया गया दिन	Copy Made Ready on	31/3/97
अनुभाग अधिकारी (न्य विज)		
Section Officer (J)		

should be inflicted on him in the higher grade and the consequential benefits should also be given to him on that basis.

6. When an employee is undergoing punishment, he cannot aspire to get the benefit of promotion as that would mean premium on inefficiency. The Apex Court every now and then emphasises that none should get unintended benefit which affects efficiency. Hence we have formed an opinion that the applicant cannot get fixation of his pay in the grade of HTTE from 1.1.84 even though he was given seniority from that date. However, as the respondents themselves have given him seniority with effect from 1.1.84, it stands to reason that the applicant is to be ^{given the scale of pay} ~~promoted to the grade~~ of HTTE in the scale of pay of Rs.425-640 from the date ^{the} ~~of~~ punishment awarded to him on 1.2.84 had expired. It is stated that the applicant was promoted on adhoc basis to the post of HTTE with effect from 23.4.1986. That promotion deemed to have been given to him from the date of punishment which was imposed on him on 1.2.84 had expired. The arrears, if any, arising out of the fixation of pay in the scale of pay of Rs.425-640 as HTTE from the date when the punishment period had expired has to be ^{paid} ~~given~~ to him. It is needless to say that his further ~~promotion and~~ ^{on promotion} fixation of pay will be governed on that basis.

7. Time for compliance is four months from the date of receipt of a copy of this order.

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