

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH, JAIPUR

Date of order: 24-01-1996

OA No. 259/94

Ganpat Lal Gora

.. Applicant

VERSUS

Union of India and others .. Respondents

Mr. R.N.Mathur, Counsel for the Applicant

Mr. S.S.Hasan, Counsel for the Respondents

CORAM:

HON'BLE MR.N.K.VERMA, MEMBER (A)

HON'BLE MR. RATTAN PRAKASH, MEMBER (J)

ORDER

PER HON'BLE MR.N.K.VERMA

In this OA the applicant had agitated against the order at Annexure-Al dated 16-6-93 by which he has been posted to the post of Pharmacist at the minimum scale of pay without the benefit of seniority, promotion, increment of pay and back wages for the period that he was out of job. In this connection, Shri Mathur, learned counsel for the applicant referred to the order in OA No.858/89 by which the applicant was given following relief:

"The order of the Disciplinary Authority and the Appellate Authority are modified suitably so that the applicant be reinstated with immediate effect in service. However, he will not be entitled for any back wages from the date of removal to the date of his joining back in service."

In the concluding paragraph 5, the Tribunal also ordered as under:

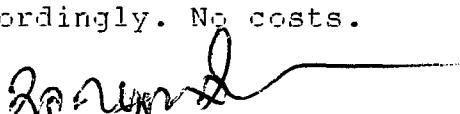
"As far as continuity of the service and the pensionary benefits on retirement are concerned, the applicant will be entitled to these benefits. However, he will not be entitled to claim any

benefit of promotion and will also not be entitled to the benefit extended to his juniors on account of the removal order, during the interim period from 1975 to 1993."

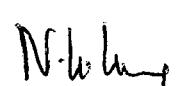
Shri Mathur states that as per this order the applicant was given relief of being reinstated and not being appointed afresh at the lowest stage of the pay scale. There was also no order precluding him from earning any increments after he joins and, therefore, this order needs to be modified. Shri Hasan, still maintained that the respondents have complied with the order of the Tribunal dated 11-5-93 as they understood it.

2. We have given due consideration to the arguments of both sides. It is amply clear from the order of this Tribunal that the applicant has been reinstated to his original post which he was holding at the time of his removal. He should, therefore, be fixed at the same stage of pay scale which he was drawing at the time of his removal. Once he has been taken back on duty he would earn his due increment from that date as is admissible for the said post. Shri Mathur also stated during the course of arguments that the job of Pharmacist Gr.III has been merged with the Pharmacist Gr.II. If it is so, the fitment in correspondence of the Pharmacist of these grades shall be decided as per rules.

3. The OA is disposed of with orders accordingly. No costs.

  
(Rattan Prakash)

Member (Judl)

  
(N.K.Verma)  
Member (Admv)