

III THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

C.A.No.480/94

Date of order: 15.5.1996

Ganga Singh

: Applicant

Vs.

Union of India & Anr.

: Respondents

Mr.S.Kumar

: Counsel for the applicant

Mr.M.Rafiq

: Counsel for the respondents

CORAM:

Hon'ble Mr.O.P.Sharma, Administrative Member

Hon'ble Mr.Ratan Prakash, Judicial Member.

PER HON'BLE MR.O.P.SHARMA, ADMINISTRATIVE MEMBER.

In this application under Sec.19 of the Administrative Tribunals Act, 1985, Shri Ganga Singh has prayed that the respondents may be directed to finalise the claim of the applicant regarding fixation of pay as Driver and make payment of arrears, pending sanction thereof by the Railway Board and also grant him all consequential benefits including payment of reasonable rate of interest.

2. The case of the applicant is that he was initially appointed on the post of Cleaner in the Railways on 11.9.1946. He became Driver Grade-B w.e.f. 20.5.1967. He was however ordered to be reverted from the said post to that of Shunter vide order dated 14.3.1968 passed in a disciplinary proceedings initiated against him. The Civil Court dismissed the suit of the applicant against his reversion but the Appellate Court allowed the applicant's appeal holding that the applicant was entitled to continue on the post of Driver Grade-B w.e.f. 16.9.1968 and a decree was also issued accordingly (Annex.A1 dated 29.4.1978). The respondents filed appeal against the aforesaid order before the High Court but it was dismissed. Thereafter, the applicant filed an execution application which was transferred to the Tribunal and was disposed of vide order dated 8.2.88 (Annex.A2) passed in T.A.No.1719/86 by the Jodhpur

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Bench of the Tribunal. In the order dated 8.3.88 it was noted that the applicant had appeared before the Tribunal and had stated that a sum of Rs.36000/- had already been paid to him but the respondents had not paid the remaining amount. The respondents had undertaken to pay the remaining amount by 22.4.1988. The Tribunal there upon directed the respondents to pay the remaining amount by the aforesaid date. The applicant was given liberty to file a fresh application/petition if the payment was not paid by the aforesaid date. Thereafter, the applicant was informed by the respondents that for payment of the remaining amount of arrears as aforesaid, sanction of the Railway Board was being obtained since records were not available. However, no payment has been paid to him so far. The respondent No.2, i.e. The Divisional Manager, Western Railway, Kota Division, Kota, had informed the applicant vide letter dated 14.11.94 (Annex.A6) that the matter regarding refixation of the applicant was being examined and the result of such examination would be intimated to him in due course. He has however, heard nothing from the respondents in the matter.

3. The respondents have not filed any reply to the O.A.

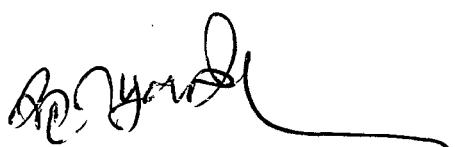
4. We have heard the learned counsel for the parties and have perused the material on record.

5. According to the learned counsel for the applicant, the applicant remained reverted from the post of Driver Grade-B to that of Shunter from January 1976 to 30.9.1982, on which date he retired on superannuation. In view of the orders passed by the Courts, the applicant is deemed to have been wrongly reverted to the lower post during this period and therefore his pay for this period is required to be refixed in the post of Driver Grade-B. The dispute, therefore, is about payment of arrears on refixation of the applicant's pay in the post of Driver Grade-B for the period from January 1976 to 30.9.1982.

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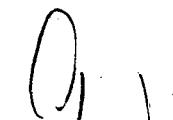
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This position is not disputed by the learned counsel for the respondents. Payment of Rs.36000/- has already been received by the applicant as noted in the Tribunal's order Anxx.A2 dated 8.2.88. The respondents are now directed to refix the pay of the applicant on the post of Diriver Grade-B for the aforesaid period and make payment of remaining payment of arrears i.e. the difference between the pay to be given on refixation as reduced by the pay already given to the applicant in the lower post and as further reduced by the amount of Rs.36000/- already paid to him. The respondents shall refix the pay and make payment of difference to the applicant within a period of four months from the date of the receipt of a copy of this order, failing which they shall be required to pay interest at the rate of 12% per annum after the expiry of the period of four months till the date of payment. The O.A. is disposed of accordingly with no order as to costs.



(Patan Prakash)

Member (Judl.).



(O.P. Sharma)

Member (Adm.).