

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAPUR.

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Date of Decision: 24.10.2001

OA 536/99

Ram Singh s/o Shri Arjun Singh r/o 54, Devi Nagar-B, Harnathpura, Kalwar Road, Takiya ki Choki, Jhotwara, Jaipur.

... Applicant

V/s

1. Union of India through Secretary, Department of Health & Family Welfare, Nirman Bhawan, New Delhi.
2. Dy. Director (Admn.) (R.D.), R.D.Cell, Directorate of Health & Family Welfare, Nirman Bhawan, New Delhi.
3. Regional Director, Health & Family Welfare Department, D-49, Subhash Marg, C-Scheme, Jaipur.

... Respondents

CORAM:

HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

HON'BLE MR.A.P.NAGRATH, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.Ajay Gupta

For the Respondents

... Mr.Bhanwar Bagri

O R D E R

PER HON'BLE MR.A.P.NAGRATH, ADMINISTRATIVE MEMBER

This application has been filed u/s 19 of the Administrative Tribunals Act, 1985 praying that the respondents be directed to quash and set aside the order dated 30.8.99 (Ann.A/7) and further to fix the applicant in the pay scale of Staff Car Driver Gr.II (Rs.1200-1800) w.e.f. 1.1.93 and in the pay scale of Staff Car Driver Gr.I (Rs.4500-7000) w.e.f. 1.1.96.

2. The applicant sought voluntary retirement while working as Staff



Car Driver and the voluntary retirement came into effect on 2.2.99. His plea is that vide order dated 30.8.99 four posts of Staff Car Driver Gr.II and three posts of Staff Car Driver Gr.I came into existence w.e.f. 9.2.99. The benefit of these posts should have been given to the applicant as he contends that these posts were already in existence when he was in service. The respondents produced before us the order creating four posts of SCD Gr.II and three posts of SCD Gr.I and it is clear from this order that these posts ~~were~~ came into existence only on 9.2.99. The applicant had already retired voluntarily w.e.f. 2.2.99. Obviously, he cannot claim the benefit of any development which takes place after he has quit service.

3. Learned counsel for the applicant also referred to the order dated 29.6.99 (Ann.A/9) to contend that one Shri Girdhari Lal, Driver, has been promoted as SCD Gr.II w.e.f. 1.8.93 and further to SCD Gr.I w.e.f. 1.10.96. He stated that Shri Girdhari Lal is junior to the applicant. However, no document has been brought on record by the applicant to substantiate this contention of the applicant that the said Shri Girdhari Lal belongs to the same seniority unit and that the applicant was senior to said Shri Girdhari Lal. Learned counsel stated that Shri Girdhari Lal belongs to a different seniority unit and thus the applicant has no basis for his grievance. The learned counsel for the applicant was not able to produce any document to refute this contention of the learned counsel for the respondents. Hence we find, no ground has been made out by the applicant in his favour. Cause of grievance could have arisen if the applicant was able to establish that in promotion to SCD Gr.II w.e.f. 1.1.93 and to SCD Gr.I w.e.f. 1.1.96 he has been ignored and his junior, in his own seniority unit, has been given the benefit. Since the applicant has failed to substantiate that he and said Shri Girdhari Lal belong to the same seniority unit and he

was senior to said Shri Girdhari Lal, he is not entitled to any relief.

4. We, therefore, dismiss this OA as having no merits. No order as to costs.

Arup Nagrath
(A.P.NAGRATH)

MEMBER (A)

S.K. Agarwal
(S.K.AGARWAL)

MEMBER (J)