

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.No. 294

of 1999

DATE OF DECISION. 8.10.1999

Shri Rabindra Chandra Paul

(PETITIONER(S))

Mr. M. Chanda and Ms N.D. Goswami

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

The Union of India and others

RESPONDENT(S)

Mr B.S. Basumatary, Addl. C.G.S.C.

ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE MR JUSTICE D.N. BARUAH, VICE-CHAIRMAN

THE HON'BLE MR G.L. SANGLYINE, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman



X

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.294 of 1998

Date of decision: This the 8th day of October 1999

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

The Hon'ble Mr G.L. Sanglyine, Administrative Member

Shri Rabindra Chandra Paul,
Carpenter H.S. II,
C/o B.S.O. C.E. 869 EWS,
C/o 99 A.P.O., Nagaland.

.....Applicant

By Advocates Mr M. Chanda and
Ms N.D. Goswami.

- versus -

1. Union of India, through the
Secretary, Government of India,
Ministry of Defence, New Delhi.
2. The Garrison Engineer,
869 EWS, C/o 99 A.P.O.,
3. The Controller of Defence Accounts,
Pay Section, Guwahati.
4. The Garrison Engineer,
868, EWS, C/o 99 A.P.O.
5. R.B. Sarma,
Local Audit Officer,
Guwahati.

.....Respondents

By Advocate Mr B.S. Basumatary, Addl. C.G.S.C.

.....

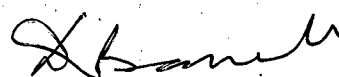
O R D E R

BARUAH.J. (V.C.)

This O.A. has been filed by the applicant seeking certain directions.

2. Facts are:

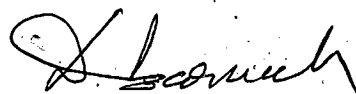
The applicant was initially appointed Carpenter in the MES Department, C/o 99 A.P.O. in the scale of pay of Rs.950-1500 (pre-revised). By Annexure 1 order dated



21.8.1994 he was promoted to the post of High Skilled Grade II. On being promoted he has been discharging his duties a such till today. The scale of pay in his promotional post, i.e. High Skilled Grade II was Rs.1200-1800 (pre-revised). Most unfortunately, the applicant was not given the said pay scale in terms of his promotion which he was entitled to on his promotion. According to the applicant, as per FR 22(a)(i), when an employee is promoted to the next higher grade he is entitled to get the pay fixed after accrual of the increments in the previous scale. He had already obtained that before promotion. However, his scale of pay has not been fixed and he has not been given the scale of pay which he is entitled to. Being aggrieved, the applicant submitted several representations, which had not been replied to. Hence the present application.

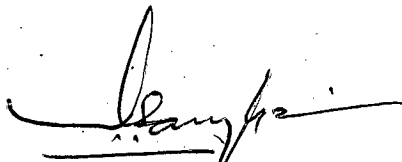
3. We have heard Mr M. Chanda, learned counsel for the applicant and Mr B.S. Basumatary, learned Addl. C.G.S.C. Mr Chanda submits that without any reason the applicant has been deprived of the scale of pay which he is entitled to. Mr Basumatary submits that after promotion, the applicant was entitled to get his pay fixed only when he became eligible for increments in the previous post. He, however, admits that the applicant had already got the increments in the previous post. Therefore, he was entitled for fixation of his pay.

4. We are really surprised that the representations filed by the applicant have not been replied to. When a representation is filed, it is the duty of the authority to reply to the representation. Unfortunately, this has not been done.

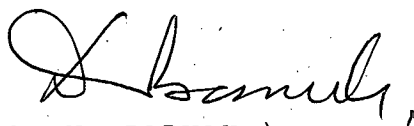


5. In view of the above we dispose of this application with direction to the respondents, particularly respondent No.3 to dispose of the representation keeping in mind that the applicant after promotion is entitled to get his scale of pay of the promotional post as stated hereinbefore from the date of his promotion and if the facts stated in the application are correct the applicant shall be given the scale of pay of High Skilled Grade II from the date of his promotion. This must be done as early as possible at any rate within a period of one month from the date of receipt of this order.

6. The application is accordingly disposed of. No order as to costs.



(G. L. SANGLYINE)
ADMINISTRATIVE MEMBER



(D. N. BARUAH)
VICE-CHAIRMAN