

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 549 of 2002

Jabalpur, this the 18th day of August, 2003.

Hon'ble Mr. D.C. Verma, Vice Chariman (Judicial)  
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

Laxmi Narayan Tiwari S/o late  
Shri Bhaiyalal Tiwari, aged  
about 52 years, Working as  
Senior Goods Driver, TRD, Bina.

APPLICANT

(By Advocate - None)

VERSUS

1. Union of India  
Through : General Manager,  
Central Railway, Mumbai VT.
2. The Divisional Railway Manager,  
(DRM) (Personnel), Central  
Railway, Habibganj, Bhopal.
3. The Senior Divisional Engineer,  
Central Railway, TRD, Bina.

RESPONDENTS

(By Advocate - Shri M.N. Banerjee)

O R D E R (ORAL)

By D.C. Verma, Vice Chairman (Judicial)-

None for the applicant even at the time of revising  
of the list. The applicant has filed this Original  
Application wherein he has prayed for quashing the order  
dated 14.9.01 (Annexure-A-7) and directing to the  
respondents to fix pay of the applicant with effect from  
17.12.84.

2. The applicant was promoted as Senior Goods Driver  
and his pay was fixed by the respondents. The applicant,  
however, felt aggrieved and filed OA No. 417/2001 which was  
decided by this Tribunal by an order dated 24.7.2001<sup>(Ann A/s)</sup>. The  
applicant was directed to make a detailed representation  
and respondents to decide the same by a speaking order.

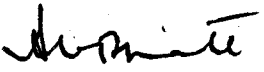
The respondents have passed the order dated 14.9.2001, impugned in the present OA. Annexure A-5 shows that the applicant's pay was fixed at Rs.1680/- on 1.6.1995 and he claimed two increments. However, in the representation (Annexure-A-6) the applicant has claimed that his pay should be fixed with effect from 17.12.84. In the communication sent to the applicant on 16.4.96 (Annexure-A-1) a reference has been given to letter dated 17.12.84 with reference to which pay of the applicant was fixed from 1.6.95 at Rs.1680/-. Accordingly arrears etc. also have been paid to the applicant. The applicant now claims that his pay should have been fixed in pursuance to letter dated 17.12.84 and benefit with effect from the said date should also be given to him.

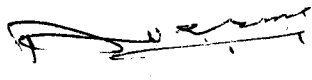
3. On what basis the fixation of pay is claimed with effect from 1983, and what is wrong in fixation of pay after 4th pay commission with effect from 1.8.86 have not been spelt out in the OA. The respondents in their impugned order dated 14.9.01 (Annexure-A-7) have clarified the position and have mentioned the details of pay fixation of the applicant. In pursuance to the recommendations of 4th pay commission, pay was fixed with effect from 1.1.86. After the Tribunal's orders in OA No. 417/01, the applicant's representation was considered and a detailed order was passed on 14.9.2001 (Annexure-A-7).

4. We have considered the recital in the OA and also the order impugned in this OA. We are unable to find any material details which could give any credence to the claim made by the applicant with regard to his claim for fixation of pay from 17.12.84. The respondents have in impugned order clearly mentioned that the year "1984" was

a typographical mistake in Annexure-A-1 and it should be 17.12.94 instead of 17.12.84. It appears that the applicant has made a wrong year as basis of claim for his pay fixation from 1984. If the applicant had any claim with regard to his pay fixation with effect from 1984, he should have claimed the same in his earlier OA 417/01. No such claim was made by the applicant in the earlier OA No. 417/01. Copy of the letter dated 17.12.84 which has been made the basis of claim, has not been filed.

5. The applicant has not given any substantive material for his case for fixation of pay from 1984. None is present for the applicant to give a detailed reply to decide his pay fixation. We therefore, leave the matter open to the applicant to make a representation to the respondents by giving detailed material with respect to his pay, in case he has still any grievance within a period of one month from the date of this order and it would be for the respondents to decide the said representation, in case any such representation is filed, within a period of 3 months from the date of receipt of a copy of this order. OA stands decided accordingly. No costs.

  
(Anand Kumar Bhatt)  
Administrative Member

  
(D.C. Verma)  
Vice Chairman (Judicial)

पृष्ठकन सं ओ/न्या.....जवलपुर, दि.....  
पुस्तिलिपि अद्योहित:-

(1) सुप्रीम, उच्च न्यायालय वार एसोसिएशन, जवलपुर

(2) अध्यक्ष श्री/श्रीमती/कु.....के काउंसल

(3) प्रत्यक्षी श्री/श्रीमती/कु.....के काउंसल

(4) कंसपाल, के.प.अ., जवलपुर न्यायापीठ

सूचना एवं आवश्यक कार्यवाही हेतु

  
उप-सचिव 9.9.03

*Handwritten notes:*  
10/9/04  
10/9/04

*Handwritten notes:*  
S.P. Singh Adl  
M.N. Barua Adl