

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 370 of 2000

Jabalpur, this the 16th day of February, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. G. Shanthappa, Judicial Member

Shri Sudhir Shankarrao Gune,
aged 42 years, S/o Late Shankar
Anand Gune, R/o MIG B-Type, No. 31,
Beemakunj, Kolar Road,
Bhopal - 462 016.

APPLICANT

(By Advocate - Ku. P.L. Shrivastava)

VERSUS

1. Union of India,
Through: The General Manager,
Central Railway,
Mumbai C.S.T.
2. Chief Personal Officer
(Signal & Telecommunication),
Central Railway, Mumbai.
3. Sr. Accounts Officer(Construction)
Central Railway,
Near Railway Institute, Bhopal
4. Divisional Signal &
Telecommunication Engineer
(Construction), Central Railway,
Bhopal.

RESPONDENTS

(By Advocate - Shri S.P. Sinha)

ORDER (ORAL)

By M.P. Singh, Vice Chairman -

By filing this OA, the applicant has sought following
relief :-

(i) To quash the order dated 2.7.99(Annexure-A-14)
passed by respondent No. 2 and order dated 11.8.99
(Annexure-A-18) passed by the respondent No. 3 and
be further pleased to direct the respondents to
fix the pay of the applicant properly under the
Fifth Pay Commission after taking into account
the adhoc period of 29.5.89 to 6.3.1992.

2. The brief facts of the case are that the applicant
was promoted on adhoc basis in R.E. Bhopal as Chief
Draftsman in the ^{scale} ~~scale~~ of Rs. 2000-3200/- (RPS) w.e.f.
29.5.1989 and his pay was fixed at the minimum of the
pay scale i.e. at Rs. 2000/-. As per the DRM(P)/BPL's

[Signature]

letter dated 22.1.1992, the applicant was transferred in the same grade, pay and capacity ^{to} in Construction Organisation and he joined under DSTE(C), Bhopal/respondent No.4 on 20.12.1991. Thereafter, the applicant has been regularised as Chief Draftsman in the grade of Rs. 2000-3200/- vide order dated 6.3.92. The grievance of the is that while he has been promoted on ad-hoc basis in the R.E. Bhopal as Chief Draftsman, which was ex-cadre post, he should have been given benefit rendered in the ex-cadre post on his reversion to his substantive capacity under DRM Bhopal.

3. Heard the learned counsel for the parties.
4. The learned counsel for the applicant has stated that when the applicant was working during the period from 29.5.1989 to 5.3.92, he was not working in ex-cadre post but he was working on the post of Chief Draftsman in scale of Rs. 2000/- to 3200/-. After his reversion from ex-cadre post he was transferred in the same post and in the same grade of Rs. 2000 - 3200/- and therefore, he should be given benefit of rendering his service in the R.C. Division which was rendered on ad-hoc basis.
5. On the other hand, the learned counsel for the respondents states that the applicant was working in scale of Rs. 2000-3200/- and he was ~~appointed~~ ^{with} on ad-hoc basis in the ex-cadre post during the period from 29.5.89 to 5.3.92. When he has reverted and transferred back to his ^{parent &} ex-cadre post, his pay has to be fixed in the regular capacity as required under FR.22. He has also submitted that the present case is covered by the order dated 5.8.2002 in OA No. 422/02 rendered by this Bench.
6. We have carefully considered the rival contentions of the parties and we find that the present case is fully covered by the judgment dated 5.8.02 in OA No. 422/02 in the case of Ashok Kumar Saxena Vs. UOI & Ors and is

therefore, liable to be dismissed.

7. The learned counsel for the applicant states the order of this Tribunal in the OA No. 422/02 has been challenged in W.P. No. 5237/02 which is still pending before the Hon'ble High Court of Madhya Pradesh. In this view of the matter we direct that our decision in the OA is subject to the out-come of the judgment of the Hon'ble High Court of Madhya Pradesh in the said W.P.

8. With the above direction. The OA is disposed of.
No costs.

G. Shanthappa
(G. Shanthappa)
Judicial Member

M.P. Singh
(M.P. Singh)
Vice Chairman

SKM

9.5164
or
10.3.04