

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, INDORE

O.A.NO.626/1999

Wednesday, this the 19th day of February, 2003

Hon'ble Shri Justice N.N. Singh, Vice Chairman (J)
Hon'ble Shri Govindan S. Tampi, Member (A)

Durga Shankar Shukla s/o Ramdulare Shukla
R/o Ahilya Marg, Babu Gali,
Rajmohalla, Mhow Cantt. Indore

(By Advocate: Shri T.S. Bhatia)

..Applicant

Versus

1. Divisional Rail Manager
Ratlam Division, Ratlam (MP)
2. Union of India through
Secretary, Ministry of Railways
New Delhi
3. General Manager Western Railways
Church Gate, Mumbai

(By Advocates: Shri Y.I. Mehta, Senior Advocate with Shri D.S. Patel)

..Respondents

ORDER (ORAL)

Shri Govindan S. Tampi:

Reliefs sought for in this case are as below:

(a) Payment of pay for the period of 1.6.89 to 31.3.93 for working during said period as Chargeman in this grade of 1400-2300 (RS 86).

(b) Payment of increments for which applicant is entitled.

- (c) Promotion of the applicant w.e.f. 1.6.89 in the Grade of 1400-2300 (RS 86)
- (d) Fixation of pay scale in accordance of above pay fixation and promotions referred to in sub-para (a)&(b) above.
- (e) Re-fixation of applicant's pension in accordance of sub-para a,b,c,d and e."

2. In this case, the applicant, who has been working as Fitter Grade-I at Loco Mhow, was asked to perform duties in Loco Mhow as Chargeman in the grade of Rs.1400-2300/- from 1.6.1989 to 31.3.1993, but was paid only officiating allowances whereas he was entitled to be promoted on regular basis. According to the applicant, this was a regular vacancy and as he was the senior-most person, he should have been promoted and given the benefits. The applicant is entitled for higher pay. Being deprived of the same, he has been put to irreparable continuous financial loss for which the Tribunal's interference is called for, pleads the applicant.

3. Replying on behalf of the respondents, Shri Y.I. Mehta, learned Senior Advocate points out that the applicant was not selected to the post of Chargeman after following the due process of selection. Due to exigencies of service, employee is given the charge and whenever such employee holds the charge for more than 30 days, he is paid officiating allowance. In the year 1993, he was given the revised/upgraded scale of Fitter, i.e., Rs.1400-2300/- and his pay was fixed at Rs.1800/- instead of at Rs.1720/-, keeping in mind the work he had performed as Chargeman in the same grade. The applicant also had been given pay and allowances and pensionary benefits

