

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

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ORDER SHEET

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**ORDERS OF THE TRIBUNAL**

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26.09.2013

OA No. 583/2013

Applicant present in person.

Heard the applicant present in person.

The OA is disposed of by a separate order.

*Anil Kumar*

(Anil Kumar)  
Member (A)

*ahq*

*✓*

(Dr. K.B. Suresh)  
Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH, JAIPUR.

**ORIGINAL APPLICATION No. 583/2013**

Jaipur, the 26<sup>th</sup> day of September, 2013

CORAM :

HON'BLE DR. K.B. SURESH, MEMBER, JUDICIAL MEMBER  
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Shri G.S. Rathore son of Late Shri Rewat Singh aged 55 years, residing at 238/45, Gulab Bari, Ajmer and working as Deputy Chief Electrical Engineer, Head Quarter, North Western Railway, Ajmer.

... Applicant

(By Advocate: Applicant in person)

Versus

1. Union of India through the Secretary, Railway Board, Rail Bhavan, New Delhi.
2. The General Manager, North Western Railway, Jagatpura, Jaipur.

... Respondents

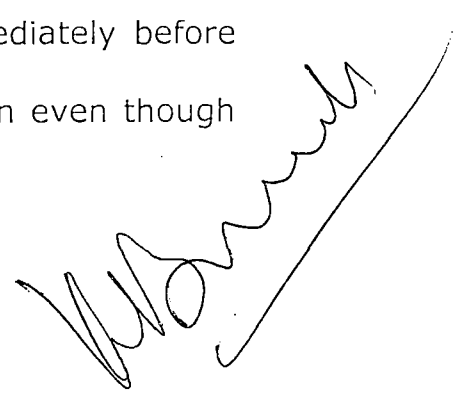
(By Advocate: -----)

**ORDER**

**PER HON'BLE MR. K.B. SURESH, JUDICIAL MEMBER**

We have gone through a ruling and the speaking order passed by the concerned officer. We do not propose to issue notices because speaking order is a reasoned order.

2. In terms of sub-rule 2(a) of Rule 7 of the Study Leave Rules, the applicant will be entitled to get leave salary equal to the pay (without allowances other than dearness allowance) that he drew while on duty immediately before proceeding on leave. Therefore, his promotion even though



will be effective from 01.01.2011 will only be a proforma promotion so far till he actually joins on duty. The applicant produced Annexure A/6 to indicate that he joined on duty on 03.10.2011. We assumed that this date is correct and if so on this date onwards, his pay will be reckoned in relation to selection grade. The selection grade was granted to the applicant with effect from 01.01.2011. The claim of the applicant is correct and he is allowed to receive the benefit of the new grade from 03.10.2011, which is the date on which he had joined.

3. Since the applicant has joined on 03.10.2011 and he was waiting for his promotion. The period be treated as only duty on compulsory waiting. Therefore, the OA is partly allowed, directing the respondents to give him the benefits due to him w.e.f. 03.10.2011 on the basis of selection grade granted to him. The applicant will not be entitled to receive any benefits other than proforma benefits before 03.10.2011.

4. With these observations and directions, the OA is disposed of with no order as to costs.

*Anil Kumar*

(Anil Kumar)  
Member (A)

*AHQ*

*Dr. K.B. Suresh*

(Dr. K.B. Suresh )  
Member (J)