

Reserved
(On 09.10.2019 on interim relief)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 11th day of October 2019

Original Application No. 330/01027 of 2019

Hon'ble Ms. Ajanta Dayalan, Member – A
Hon'ble Mr. Rakesh Sagar Jain, Member – J

Subodh Singh

... Applicant

By Adv: Shri A.D. Singh

V E R S U S

Union of India and others

... Respondents

By Adv: Shri P.K. Rai

O R D E R

By Hon'ble Ms. Ajanta Dayalan, Member – A

Heard Shri A.D. Singh, advocate for the applicant and Shri P.K. Rai, advocate for the respondents on interim relief.

2. Learned counsel for the applicant stated that through this OA, the applicant Subodh Singh is seeking quashing of impugned orders dated 27.09.2018 and 23.10.2018 (Annexure A-1), rejecting his representation for grant of one additional increment during the period from February 2006 to June 2006. He has also prayed for restoration of additional increment and payment of arrears of pay as well as interest @ 18% per annum for the delayed payment. Further, he has sought refund of recovered amount of Rs. 55,200/- alongwith interest @ 18% per annum. Besides, he has sought for staying the operation of two impugned orders as well as recovery from the applicant during the pendency of the OA.

3. Learned counsel for the applicant stated that as per Railway Board's order dated 23.03.2012 (Annexure A-4), the applicant was entitled

for grant of one increment on 01.01.2006 as a one-time measure. The counsel for the applicant further stated that this was initially granted to him, as is clear from Annexure A-12, wherein his basic pay for the month of March has been shown as Rs. 55,200/- . However, it will be observed from Annexure A-13 that next month in April 2019, his basic pay has been reduced to Rs. 53,600/- only. Learned counsel for the applicant stated that this order is arbitrary and discriminatory. His pay has been reduced without giving him any notice and as such the same is liable to be set aside. Learned counsel for the applicant also stated that the applicant has been making representations about the matter as is clear from his representations dated 10.10.2018 (Annexure A-10) and 14.11.2018 (Annexure A-11). However, there is no action on the part of the respondents. Learned counsel for the applicant, therefore, pleaded that the case needs to be decided on merits and also during the pendency of the OA, the operation of the impugned orders needs to be stayed and amount already recovered from him needs to be refunded.

4. Learned counsel for the respondents sought time to seek instructions from the department as the facts of the case need to be ascertained.

5. We observe from the impugned order dated 27.09.2018 that the representation of the applicant has been rejected as the applicant was on training from 01.03.2005 to 27.09.2006 and as such he only received an stipend during this period. As per this order, in view of this fact his request for increment is not admissible.

6. In view of this crucial statement by the respondent department in the impugned order itself that the applicant was on training during the period 01.03.2005 to 27.09.2006 and as such he was only in receipt of

stipend, we do not see adequate ground for grant of any interim relief at this stage.

7. Let CA be filed within 8 weeks. RA, if any, may be filed within 4 weeks thereafter.

8. List this case on 13.01.2020.

(Rakesh Sagar Jain)
Member – J

/pc/

(Ajanta Dayalan)
Member – A