

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 526/2003

This the 7th day of April, 2003

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Shri Kirpa Ram,
Retd. Sub-Head,
R/o H.No.296, Pana Udyan,
Narela, Delhi - 110 040.
(By Advocate: Sh. R.P.Luthra)

..... Applicant

Versus

1. Union of India,
Through: The Secretary,
Railway Board,
Rail Bhawan,
New Delhi.
 2. Union of India,
Through: The Secretary,
Ministry of Personnel Public Grievances & Pensions,
Department of Pension and Pensioner Welfare,
Lok Nayak Bhawan, New Delhi.
 3. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
 4. Director,
Public Grievances,
Railway Board,
New Delhi.
 5. General Manager Accounts,
Northern Railway,
Baroda House,
New Delhi.
 6. Chief Accounts Officer,
Northern Railway,
Baroda House,
New Delhi.
- Respondents.

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

Heard counsel for applicant.

2. Applicant in this case prays for a direction to the respondents to revise his pay scale by giving the retrospective effect to the office order dated 26.2.81 and with all its consequential benefits.

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3. The facts in brief are that the applicant is working as Sub-Head in the pay scale of Rs.425-700 and he superannuated on 31.1.81. The selection grade was of Rs.550-750 was introduced for the post of Sub-Head vide letter dated 26.2.81. This letter makes it clear that these orders have to take effect from the date of issue of this letter and have got the sanction of the President. Applicant wants as to hold that this letter which has made the selection grade available to the category of Sub-Heads from 26.2.81 it should be made applicable to the applicant from a retrospective date at least from the date the applicant had retired.

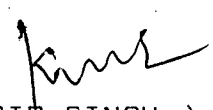
4. Applicant further submits that the proposal to introduce selection grade was mooted some time in August 1980 and it is because of the departmental correspondence delay has occurred in implementation of the selection grade. Had it been approved in the month of September 1980 then applicant would have been granted selection grade. In my view this plea of the applicant has no merits because for taking such a decision a lot of correspondence and lot of thought has to be given before introducing a selection grade or taking such type of decision. Besides that in the impugned order, the respondents have categorically stated that this introduction of selection grade with prospective date had to be uniform in all such cases applicant cannot be made any exception to that.

5. In the alternate, counsel for applicant had also prayed for that if he is not granted selection grade than at least his pension should be revised since the pay scales have been revised thereafter and as per the counsel for applicant in



(3) 

support of his contention read with guidelines for refixation of pension etc. for pre 1986 pensioners/family pensioners. Counsel for applicant emphasised upon sub-para 3 of para II where occasions on which the pay of the post held by the pensioner was revised between the period from the date from which pension was sanctioned till 1.1.1986. Such revision could have taken place due to communication of revised pay scale or on implementation of Central Pay Commission or implementation of decision of the Board of Arbitration. But as regards the revision of revised pay scale is concerned since I have already held that implementation of selection grade cannot be made retrospective as applicant cannot be made exception to the general rule so this sub-para 3 of para II does not help the applicant. Hence there is no merits in the OA and the same has to be dismissed.


(KULDIP SINGH)
Member (J)

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