

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/0185/2014

HYDERABAD, this the 23rd day of December, 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. B.V. Sudhakar, Admn. Member



M. Ramachandra Rao,
S/o. Late Vijaya Rama Murthy,
Aged 66 years, Sr. Fireman,
R/o. Plot No.B-54, Dayalnagar,
Visalakshi Nagar Post,
Visakhapatnam ó 530 026.

... Applicant

(By Advocate: Mr. P. Ramachander Rao
for Dr. P.B. Vijaya Kumar)

Vs.

1. Union of India rep. by its Secretary,
Ministry of Defence,
Naval Head Quarters,
South Block, Sena Bhavan,
New Delhi.
2. The Chief of Naval Staff,
Integrated Headquarters,
Ministry of Defence (Navy),
Sena Bhavan, NHQ Post,
New Delhi ó 110 011.
3. The Director General of Naval Armament Inspection,
IHQ, Ministry of Defence (Navy),
R.K. Puram,
New Delhi ó 110 066.
4. The Flag Officer Commanding in Chief,
Eastern Naval Command,
Ministry of Defence (Navy),
Visakhapatnam ó 14.
5. The Controller,
Controllarate of Naval Armament Inspection,
NAD Post,
Visakhapatnam.

... Respondents

(By Advocate: Mr. B. Laxman
for Mr. M. Venkata Swamy Addl. CGSC)

ORDER (ORAL)**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**

The indiscriminate stepping up of pay, without taking into account, the circumstances under which the junior in an organization is drawing higher pay, has given rise to much of avoidable litigation. The orders passed without verification of the relevant facts, have also given rise to undue enrichment of some employees and corresponding loss to the Government. The case on hand provides one such example.

2. The applicant was working as Senior Foreman in the Naval Dockyard. He and one Sri S. Surya Pratap filed O.A. No.120/2007 before this Tribunal, stating that their junior by name Sri P. Chinna Rao is drawing a higher scale of pay. That was on account of the fact that Sri Chinna Rao has opted to make the order of promotion effective from the date on which, his next increment fell due. The applicants however took the promotion, without waiting for such a step up of pay. The O.A was allowed on 16.11.2007, with a direction to step up the pay of the applicants on par with that of Sri Chinna Rao. The applicant retired from service on 30.06.2008, on attaining superannuation.

3. The applicant states that Sri Chinna Rao was extended the benefit of one increment on the eve of implementation of the recommendation of VI Pay Commission and, similar facility was not extended to him. When he made a representation, the Controller of Defence Accounts of Navy has taken the view that the very stepping up of pay of Sri Chinna Rao was wrong and accordingly, not only this increment of the latter was withdrawn but also an

amount of Rs.22,200/- paid to him was recovered. As a sequel to that, the respondents passed an order dated 29.10.2013, withdrawing the increment that was extended to the applicant w.e.f. 1.1.2006. The same is challenged in this O.A. The applicant contends that the extension of benefit of increment to Chinna Rao was within the framework of the pay structure and, there was absolutely no basis for withdrawing the same and for passing the impugned order. It is also stated that no notice was issued to him before passing the impugned order.



4. The respondents filed a reply statement, opposing the O.A. It is stated that the pay of Sri Chinna Rao was wrongly fixed and, once that mistake was corrected, the applicant, who got the benefit, by citing the instance of Sri Chinna Rao, has also to fall in line. It is stated that no illegality has crept into the proceedings.

5. We heard Sri P. Ramachander Rao representing Dr. P.B. Vijaya Kumar and Sri B. Laxman representing Sri M. Venkata Swamy, learned counsel for the respondents.

6. The sole basis for the applicant to claim the stepping up of pay, by filing O.A. No.120/2006, was the pay structure that was allowed to Sri Chinna Rao. In other words, the applicant did not have any grievance left to himself, and he did not point out any procedural irregularity in fixation of his pay. He has simply cited the pay structure of Sri Chinna Rao and prayed for stepping up of his pay. The O.A. No.120/2006 was allowed and the order was implemented through an order dated 26.02.1999 w.e.f 01.01.2006.

7. Had the applicant kept quiet, he would have got the entire benefit, even after retirement also. It appears Sri Chinna Rao was given the benefit of Rs.22,200/- in the form of an increment on account of implementation of VI Pay Commissions recommendation. That prompted the applicant to claim similar relief. At that stage, the CDA examined the matter in detail and felt that the fixation of pay i.e. extension of one increment to Sri Chinna Rao itself was a mistake. Accordingly, the benefit extended to Sri Chinna Rao was withdrawn. The same consequence has followed in the case of the applicant also.

8. Things would have been different, had it been a case where the pay structure of Sri Chinna Rao was restored after it was reduced. He was satisfied with whatever has done to him. The applicant cannot stand on a better footing. Issuance of notice in such cases does not arise. The respondents did not take away anything which genuinely belongs to the applicant.

9. We do not find any merit in the O.A. and it is accordingly dismissed. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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