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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 2684/99

New Delhi : this the 31<sup>st</sup> day of August, 2000.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

P. N. Bhargava S/o Late Sh. B. P. Bhargava,  
(Retd. Asstt. Director, Intelligence

Bureau (MHA),  
Govt. of India, New Delhi,  
R/o C-31, Sector 20,  
Noida-201301

.....Applicant.

(In person)

Versus

Union of India  
through

1. Secretary to the  
Govt. of India,  
Ministry of Home Affairs,  
North Block,  
New Delhi-1

2. Secretary to GOI,  
Deptt. of P & T,  
North Block,  
New Delhi-1

3. Director,  
Intelligence Bureau,  
Ministry of Home Affairs,  
Govt. of India,  
North Block,  
New Delhi-1

.....Respondents.

(By Advocate: Shri A. K. Bhardwaj).

ORDER

Mr. S. R. Adige, VC (A).

Applicant impugns respondents' order dated 2.4.98 issued by them pursuant to the Tribunal's order dated 1.10.97 in OA No. 353/95 filed by applicant earlier (although in the aforesaid order dated 2.4.98 the OA number has been given as 554/97, there can be no doubt that the order dated 2.4.98 relates to the Tribunal's order dated 1.10.97 in OA No. 353/95) on his claim for the benefit of FR 22(1)(a)(1) in his pay fixation on promotion from Jt. Asstt. Director to Asstt. Director in IB w.e.f. 20.11.89.

2

2. Heard both sides.

3. Respondents' counsel has invited our attention to the Hon'ble Supreme Court's decision in UOI Vs. A.K. Banerjee 1988 SCC (L & S) part II 277, in which it has been held that in matters of pay fixation, for the benefit of FR 22(1)(a)(1) to be extended, not only must there be assumption of duties and responsibilities of greater importance, than those attached to the post held by a Govt. employee, but the pay scale of the higher post must be different from the pay scale of the post from which he has been promoted.

4. In the present case there is no dispute that at the relevant period of time the pay scale of the post of JAD was the same as that of the AD. It is true that the post of AD carried a certain special pay, but that does not alter the fact that the pay scale (emphasis supplied) of the two posts was the same.

5. In the light of the ratio of the Hon'ble Supreme Court's ruling in Banerjee's case (supra) which is squarely applicable to the facts and circumstances of the present case, we find ourselves unable to grant applicant the relief he seeks.

6. The OA is dismissed. No costs.

*A. V. Vedavalli*  
( DR. A. VEDAVALLI )  
MEMBER (J)

*S. R. Adige*  
( S. R. ADIGE )  
VICE CHAIRMAN (A).

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