

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1983/1998

New Delhi, this 26th day of March, 2001

Hon'ble Shri Kuldip Singh, Member(J)
Hon'ble Shri M.P. Singh, Member(A)

Gurbaksh Singh
R-ZA-28, East Uttam Nagar
New Delhi

.. Applicant

(By Shri K.N.R.Pillai, Advocate)

versus

Union of India, through

1. Secretary
Railway Board, New Delhi

2. General Manager
Northern Railway
Baroda House, New Delhi

.. Respondents

(By Shri R.L. Dhawan, Advocate)

ORDER(oral)

Shri Kuldip Singh

Applicant in this OA is aggrieved by the fact that his representation for stepping of pay with reference to his immediate juniors S/Shri H.K.L.Handa and K.L.Mehendirata has been rejected.

2. Facts in brief are that the applicant alongwith the aforesaid juniors was promoted as Loco Supervisor sometime in 1972. The scale of pay of that post was revised with effect from 1.1.73. The panel covered all Divisions of Northern Railway and the selection was made by the Hqrs. Office. But now the Railway Administration is maintaining that stepping up of pay will be done division-wise only, though this was not the intention of the orders. Applicant has further stated that Handa and Mehendirata were allowed stepping up pay in comparison with one Shri S.K.Bajpai of Allahabad Division. since then Handa and Mehendirata were getting higher pay than

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the applicant. Later on, the Railway department issued orders withdrawing stepping up of pay of Handa and Mehendirata. This was challenged by them before CAT through OA No.469/92 which was allowed in favour of the applicants ^{therein} vide order dated 22.12.1992. The Railway Department filed SLP before the Hon'ble Supreme Court against the Tribunal's order, which was dismissed by the Supreme Court with the observations that "We have gone through the merits. We find no merit in the SLP. It is, therefore, dismissed on the ground of delay as well as on merits", meaning thereby that withdrawal of stepping up of pay by the Railway authority was held to be unjustified and the order passed by the Tribunal was upheld. Since the applicant belongs to same cadre and senior to Handa and Mehendirata, he seeks refixation of his pay at par with them.

3. Respondents have contested the OA. In their reply, they have stated that Handa and Mehendirata have been erroneously granted stepping up of pay in comparison to Bajpai of Allahabad Division. As per Rules parity of pay scale with outstation Units is not sustainable. Applicant cannot be allowed the benefit of mistake committed by the Railway Administration and therefore the OA should be rejected.

4. Learned counsel for the applicant submitted that in a subsequent order in case of O.P.Saxena the Hon'ble Supreme Court has held that stepping up of pay cannot be allowed in comparison to outstation Divisions. According to the applicant, stepping up of pay in the revised pay

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scale is to be allowed when juniors are getting more pay than senior on their promotion to same post/cadre in the higher pay scale.

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5. Learned counsel for the respondents made an attempt to submit that since Bajpai was in some other Division, Handa and Mehendirata should not have been given stepping up of pay in comparison to Bajpai.

6. However, the fact remains that the applicant who was senior to Handa and Mehendirata, both belonging to same cadre and holding the same post, anomaly had occurred in the pay fixation of the applicant vis-a-vis Handa and Mehendirata. The learned counsel for the respondents has also submitted that anomaly in the case of stepping up of pay should have been directly as a result of application of provisions of Rule 2018B (FR 22C) of IRECode-Vol.II or any other rule or order regulating pay fixation on such promotion in the revised scale. The pay of Handa and Mehendirata has been stepped up by wrong application of the Rules and therefore the same benefit cannot be granted to the applicant. We are unable to agree with this submission of the learned counsel since both Handa and Mehendirata are junior to the applicant and they were in the same cadre and same scale of pay and juniors cannot be allowed to draw more pay than their senior. In their case withdrawal of stepping of pay was challenged by the applicants and against the orders of the Tribunal SLP was filed by the respondents which was dismissed even on merits. When juniors to the applicant namely Handa and Mehendirata have been allowed stepping of pay, applicant being a senior is also entitled for the said benefit in comparison to the said Handa and Mehendirata.

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7. In view of this position, we allow the present OA and direct the respondents to step up of pay of the applicant and refix his pay from the date when his juniors have been given stepping up of pay. Applicant shall be eligible for all consequential benefits. However, arrears if any shall be restricted to only one year prior to date of filing of the OA. No costs.


(M.P. Singh)
Member(A)


(Kuldip Singh)
Member(J)

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