

Central Administrative Tribunal, Principal Bench

O.A. 2220/1998

with

O.A. 97/1999

New Delhi, this the 5th day of December, 2000

Hon'ble Mr. Kuldip Singh, Member (J)

Hon'ble Mr. M.P. Singh, Member (A)

O.A. 2220/98

1. Shri S. K. Pandey,
 s/o Shri Kamla Kant Pandey
 r/o 670, Laxmi Bai Nagar, New Delhi
 working as Dy. Director (Admn.)
 News Services Division, All India Radio
 Broadcasting House, Parliament Street
 New Delhi-1

2. Shri S. V. K. M. Rao
 s/o of late Mr. S. V. Ranga Rao
 r/o L/32-C, Dilshad Garden
 Delhi-95, retired from the
 post of Dy. Director (Admn.)
 Office of the Chief Engineer (NZ)
 AIR & DD, Jamnagar House
 New Delhi-1

....Applicants

(By Advocate: Shri S.Y. Khan)

Versus

Union of India, through

1. Secretary to the Govt. of India
 Ministry of Information and Broadcasting
 Shastri Bhawan, New Delhi-1

2. The Director General
 All India Radio
 Parliament Street,
 New Delhi-1

....Respondents.. Respondents

(By Advocate: Shri S.M. Arif)

O.A. 97/99

Shri D.L. Shetti, s/o
 r/o L-32/C, Dilshad Garden
 Delhi-95, Retired Dy. Director Accounts,
 C.S.U., Mumbai

....Applicant

(By Advocate: Shri S.Y. Khan)

Versus

Union of India, through

1. Secretary to the Govt. of India
 Ministry of Information and Broadcasting
 Shastri Bhawan, New Delhi-1

2. The Director General
All India Radio
Parliament Street.
New Delhi-1

... Respondents.. Respondents

(By Advocate: Shri Gajendra Giri)

ORDER (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (J)

By this order, we will be disposing of two OAs bearing no. 2220/98 and 97/99. In both the OAs, the applicants are seeking stepping up of pay at par with their juniors. Their requests for stepping up of pay have been rejected vide impugned orders.

2. Facts in brief are that the applicants in both the OAs belong to administrative service of All India Radio and they allege that a common seniority list of the feeder grade i.e. of Head Clerk/Accountant is being maintained, which is feeder cadre for the post of Administrative Officer, which too has a common seniority on all India basis. According to nodal Ministry's directions, even for ad-hoc appointment, the promotion is required to be made then that is to be made strictly as per the seniority, except to rejection of 'unfit'.

3. The applicants in both the cases are claiming stepping up of pay on the date of the promotion as Administrative Officer vis-a-vis their junior Shri R.P.S.Chauhan, who was junior to them right from the grade of Head Clerk/Accountant to the highest post they held, i.e. Deputy Director Administration. According to FR 22-C, a senior should

h

be paid higher pay equivalent to that of junior and as such, the pay of the applicants has to be stepped up at par with Shri R.P.S.Chauhan. It is further submitted that the matter of stepping up of pay of another senior Shri R.Amanulla Kahn vis-a-vis- Shri R.P.S.Chauhan had been considered by the Hyderabad Bench of the Tribunal in O.A 943/93 decided on 22.1.97 wherein, considering the facts and circumstances of the case, the applicant Shri R.Amanulla Khan was allowed stepping up of pay with arrears. Copy of the judgement passed in O.A.943/93 has also been annexed with the OA.

4. The applicants have further alleged that their case is fully covered by the judgement in the case of Amanulla Khan (supra) and as such, they are entitled to the same benefits as accorded to Mr.Khan in his O.A.943/93.

5. The OAs are being contested by respondents. They have submitted that the case of the applicants is not covered by the judgement in the case of Amanulla Khan. Rather the case of the respondents is that Shri Amanulla Khan was granted stepping up of pay in compliance with the judgement of the Hyderabad Bench. The judgement in the case of Amanulla Khan remained unchallenged as per the advice of Ministry of Law and Justice that the case was not fit for filing of SLP. However the case of the applicants was referred to the DOPT for extension of benefits of the CAT judgement

kr

but the competent authority did not agree with the proposal as the applicants' case was not covered by the existing Govt. instructions on the subject.

6. We have heard learned counsel for the parties and have gone through the records.

7. Learned counsel for respondents relied upon Swamy's compilation, para 23 - F.R. 22, wherein certain instances have been shown which do not constitute an anomaly and one such instance is that both the junior officer and senior officer should belong to the same cadre and the posts in which they have been promoted or appointed should be identical and in the same cadre. Referring to this, learned counsel for respondents submitted that Shri R.P.S.Chauhan was in U.P. cadre whereas the applicants herein were in different zonal cadres and, therefore, they were not entitled for stepping up of pay. We have considered this aspect of the case and have given our thoughtful consideration. To our mind, this contention of the learned counsel for respondents has no merits since it is an admitted case that from the level of Head Clerk, the seniority is on all India basis. Since it is an admitted case that Shri R.P.S.Chauhan is junior to the applicants in both the OAS and their case is also fully covered by the judgement of the Hyderabad Bench of the Tribunal in the case of Amanulla Khan, so the applicants before us are also entitled to the stepping up of pay with arrears.

h

8. We do not find any reason to deny the applicants the benefits of the judgement in the case of Amanulla Khan, particularly so when the judgement in that case has been implemented by the respondents. Hence, we allow both the OAs and direct the respondents to step up the pay of the applicants at par with Shri R.P.S.Chauhan from the date of regular promotion as given in the case of Amanulla Khan. The applicant will also be entitled to arrears of difference of pay.

9. The above directions should be implemented within a period of four months from the date of receipt of a copy of this order. No costs.

mP Singh
(M.P. Singh)
Member (A)

Kuldeep Singh
(Kuldip Singh)
Member (J)

/dinesh/