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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. NO. 1588/95

New Delhi, this the 26th day of August, 1999

HON'BLE MR. JUSTICE R.G. VAIDYANATHA, VICE CHAIRMAN (J)
HON'BLE MR. J.L. NEGI, MEMBER (A)

1. Chaman Lal, S/O Sh. Piara Lal,
R/O H.N.24, Usha Park, Hari
Nagar, New Delhi.
2. D.R. Sikka, R/O A-73, Phase-III,
Ashok Vihar, Near Laxmi Bai
College, Delhi - 57.
3. Sunder Singh, S/O Sh. Moti
Singh, R/O A-82, Fateh Nagar,
Jail Road, New Delhi - 18.
4. Purshotam Lal Makkar, R/O Officers
Rest House, Northern Railway,
Ambala Cantt.

----Applicants.

(By Advocate Sh.G.D. Bhandari)

Versus

1. Union of India, through the
General Manager, Northern
Railway, Baroda House, New Delhi.
2. Chief Personnel Officer, Northern
Railway, Baroda House, New Delhi.
3. Divisional Rly. Manager,
Northern Railway, Ambala Cantt.

----Respondents.

(By Advocate Sh. R.L. Dhawan)

O R D E R (ORAL)

By Hon'ble Justice Mr. R.G. Vaidyanatha, VC (J)

This is an application filed by the applicants seeking stepping up of pay. Respondents have filed their objections. We have heard Mr. G.D. Bhandari, counsel for applicant and Mr. R.L. Dhawan, counsel for respondents.

2. The applicants who were working as Drivers in Northern Railway and got promoted as Loco Supervisory staff, are claiming the stepping up of pay on the
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ground that their juniors are getting more pay. All the applicants are retired from service. The grievance of the applicants is that their juniors, namely, Sh. S.K.Bajpai and Sh. Karan Singh who later came to be promoted as Loco Supervisory staff are getting more pay than the applicants, who were admittedly their seniors. Therefore, under F.R. 22, the applicants are seeking stepping up of pay.

3. Respondents, in the reply, have denied the claim of the applicants for stepping up of pay.

4. It is true that some of the judgements of the Tribunal have given benefits of stepping up of pay in identical cases like the case of the applicants. Since the matter is now covered by the recent judgement of the Apex Court, we need not mention the pleadings in detail. As on date, the question is no longer res-integra and it is covered by the direct authority of the Hon'ble Supreme Court in the case of Union of India & Ors. Vs. O.P.Saxena Etc. reported as JT 1997 (6) S.C. 586.

5. In O.P.Saxena's case, there were identical facts that the senior Supervisory staff, who claimed for stepping up of pay, were admittedly seniors to a junior employee Mr. Kareer who had been given higher pay. The Tribunal, therefore, allowed the application and granted stepping up of pay to the seniors. When the matter was taken up in Hon'ble Supreme Court, the Hon'ble Supreme Court analysed the provisions.

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Hon'ble Supreme Court has pointed out that the seniors who were working in grade 'C' and got directly promotion as senior Loco Supervisory staff whereas the junior Mr. Kareer got promotion from grade 'C' to grade 'B' and later grade 'A' and from there he got promotion as Loco Supervisory staff. The Hon'ble Supreme Court has also pointed out that to grant of stepping up of pay under FR 22, two conditions must be satisfied. The seniors and the juniors should have identical pay scales both in the lower cadre as well as in the promotion cadre.

6. Hon'ble Supreme Court again has pointed that in the junior cadre, the seniors were grade 'C' Drivers and got promotion to the higher post whereas the junior was grade 'A' Driver and got promotion from there. Admittedly, the pay of Driver in grade 'A' is higher than the pay of Driver in grade 'C'. Therefore, Hon'ble Supreme Court pointed out that since in the lower cadre, both seniors and juniors were not getting same pay, the question of stepping up of pay of senior on par with junior did not arise. Hon'ble Supreme Court, therefore, reversed the judgement of the Tribunal and allowed the appeal of the Union of India. In view of the law declared by the Apex Court, the applicants who are agitating the similar grievance before us, are not entitled to any relief.

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7. In the result, the application is dismissed and no order as to costs.

J.L. Negi

(J.L. NEGI)
MEMBER (A)

R.G. Vaidyanatha

(R.G. VAIDYANATHA)
VICE CHAIRMAN (J)

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