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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

NEW DELHI.

O.A.No.2275/96

New Delhi: Dated this the 8th day of May, 1997.

HON'BLE MR.S.R.ADIGE MEMBER(A)

G.S.Mahey,
R/o 433/S-7, R.K.Puram,
New Delhi.

Retired Research Officer from Ministry of
Defence

.....Applicant.

(In person)

Versus

1. Union of India ,
through Secretary,
Ministry of Defence,
New Delhi- Hq 110 011.

2. Joint Secretary (Trg.) and Chief Administrative
Officer,

C-II, Hmtments, Ministry of Defence,

New Delhi, OHQ- 110 011

.... Respondents.

(Shri J.S.Joshi-Departmental Representative).

JUDGMENT

BY HON'BLE MR.S.R.ADIGE MEMBER(A)

Applicant prays for stepping up of his pay equal to that of his immediate junior Dr. Q.K.Sharma who was promoted in Jan/Feb., 1995, with all consequential benefits including interest @ 18% p.a.

2. Admittedly , applicant who commenced his service with respondents as LDC/K.PD w.e.f. 6.10.56 was promoted as STA on local basis and was regularised as such w.e.f. 28.4.81. His pay was fixed at Rs.550/- p.m. w.e.f. 7.1.80 and Rs.575/- after grant of annual increment w.e.f. 1.1.81. He was promoted as JRD w.e.f. 1.1.84 and his pay was fixed at Rs.680/- w.e.f. 1.1.84 in the prervised scale and Rs.2300/- w.e.f. 1.1.87

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in the revised scale upon his opting to come over to revised scale. He was promoted as R.O. w.e.f. 16.11.89 at which point of time he was drawing Rs.2450/- as JRD. His pay was fixed as R.O. at Rs.2500/- w.e.f. 16.11.89 to 31.12.89 and at Rs.2650/- w.e.f. 1.1.90 with next date of increment on 1.1.91. Applicant retired on superannuation on 28.2.95.

3. On the other hand Shri D.K.Bhola was appointed as a DR STA w.e.f. 16.8.77 and his pay was fixed at Rs.550/- from that date. He was promoted as JRD w.e.f. 11.6.84 and his pay was fixed at Rs.710/- w.e.f. that date and at Rs.775/- w.e.f. 1.1.84 on pre-revised scale. He opted to come over to revised pay scale w.e.f. 1.1.86 and accordingly his pay was fixed at Rs.2375/- w.e.f. 1.1.86 with next date of increment on 1.8.86. He was promoted as R.O. w.e.f. 31.5.95 when he was drawing Rs.3050/- in the grade of JRD and his pay was fixed at Rs.3300/- w.e.f. 31.1.95.

4. The respondents contend that applicant is not entitled to the relief claimed, because condition (iii) in FR 22 C is not satisfied, in as much as applicant was drawing less pay than his junior Shro Bhola in the lower posts of STA and JRD.

5. An identical objection happened to be raised by respondents before me in OA No.42/94 Shri M.L.Mahna Vs. UOI & Ors. I specifically noted that objection in paragraph 5 of ^{my} judgment dated 31.10.94, and dismissed that OA on that and other grounds. Thereupon that applicant approached the Hon'ble Supreme Court in SLP No.C-26584-85/95 who by their judgment dated 10.5.96 set aside ^{my} ~~very~~ order and allowed the appeal. As Shri Mahna had also meanwhile retired, the Hon'ble Supreme Court directed that pension and other consequential benefits be calculated on the basis of stepped up pay.

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6. Applying the ratio of Hon'ble Supreme Court's judgment in Mahma's case (Supra) to the facts of the present case, I find that the same is fully applicable. Accordingly this O.A is allowed. Respondents are directed to step up applicant's pay to that drawn by his immediate junior Shri Bhola as on 31.1.95 then recalculate applicant's pension and other consequential benefits on the basis of stepped up pay, and release the same to him within three months from the date of receipt of a copy of this judgment. The prayer for interest is rejected. No costs.

S. R. Adige
(S. R. ADIGE)
MEMBER (A).

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