

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.2330/1996

New Delhi this the 23rd day of March, 2000.

(5)

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

Shri P.L.N.Sastry
S/o Shri P.V.Sastry
R/O 679, Sector IV,
R.K.Puram,
New Delhi. Applicant

(None for the applicant)

-Versus-

1. Union of India
through the Comptroller & Auditor General
India,
New Delhi.
2. The Principal Accountant General,
Audit-I,
Saifabad,
Hyderabad. Respondents

(Sh.Rajinder Singh, Sr.A.O.(Legal)
Departemntal Representative for
respondents.)

O R D E R (ORAL)

Justice Ashok Agarwal:-

Applicant and his Advocate are absent. We proceed to dispose of the OA on merits in their absence in terms of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. By the present OA, applicant impugns a Memorandum issued on 4.9.1996 at Annexure A/1 whereby his pay has been stepped down .

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3. Short facts which are relevant for deciding the controversy at hand are as follows:

One Shri G.V.Ramana Rao was appointed as U.D.C.on 7.8.1965 in the office of the Comptroller and Auditor General of India. He was appointed as Selection Grade Auditor on 26.8.1982. He was promoted as Sr.Auditor on 1.3.1984 and as Section Officer on 24.4.1984. His pay was fixed in the post of Selection Grade Auditor under FR 22 (C) treating the post as functional. This was done in pursuance of an interim order passed by the Andhra Pradesh High Court dated 22.6.1983 in Writ Petition No.4983/83. Pending the aforesaid writ petition, when Shri G.V.Ramana Rao was promoted as Senior Auditor on 1.3.1984 and as Section Officer on 24.4.1984, his pay was fixed under FR 22(C) in the aforesaid respective posts thereby causing anomaly of his drawing higher pay than that of his senior. As a consequence of the fixation of pay of the aforesaid Shri G.V.Ramana Rao, pay of the applicant was stepped up under FR 27 with effect from 24.4.1984 by an order passed on 16.4.1987. Pay of the applicant was in the circumstances stepped up in tune with the pay drawn by Shri G.V.Ramana Rao.

3. Aforesaid writ petition was transferred to the Hyderabad Bench of the Central Administrative Tribunal and the same was numbered as TA No.547/86.

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The said TA was disposed of by the Hyderabad Bench on 31.8.1987 declaring the post of Selection Grade Auditor as non functional. As a consequence, the very basis on which the pay of Shri G.V.Ramana Rao was stepped up fell to the ground. Consequently pay of the aforesaid Shri G.V.Ramana Rao was reduced. As a sequel to the aforesaid reduction, pay of the applicant was also reduced by order passed on 21.11.1994 with effect from December, 1994. A proposal was made to recover the over-payments made to the applicant on account of the erroneous stepping up of his pay.

4. It is not necessary to detail the various stages of proceedings which have taken place. It is enough to state that by the impugned order now passed on 4.9.1996, the pay of the applicant has been directed to be stepped down.

5. In our judgement, no justifiable grounds are made out for interference with the aforesaid order which is impugned in the present OA.

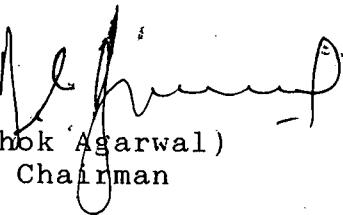
6. As far as the pay of Shri G.V.Ramana Rao is concerned, it will be seen that he has preferred Writ Petition No.4983/83 in the High Court of Andhra Pradesh. He has apparently claimed stepping up of his pay on the basis that the post of Selection Grade

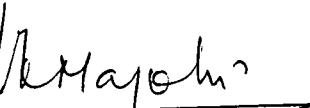
W.D.J

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Auditor is a functional post. An interim order appears to have been passed by the Andhra Pradesh High Court directing stepping up of his pay on the aforesaid basis, namely that the Selection Grade Auditor is a functional post. By later order passed by the Tribunal on 31.8.1987, the said post has been held as non functional. Hence the pay of Shri G.V.Ramana Rao was required to be stepped down as the very basis of stepping up of pay has fallen to the ground. As far as the applicant is concerned, his pay was stepped up because the pay of Shri G.V. Ramana Rao, who was junior to him has been stepped up. Since the pay of Shri G.V.Ramana Rao has been stepped ~~down~~^{up}, the very basis on which the pay of the applicant has been stepped up has also fallen to the ground.

7. In view of the aforesaid, we find that no justifiable grievance can be made by the applicant. Present OA in the circumstances is dismissed. There will be no order as to costs.


(Ashok Agarwal)
Chairman


(V.K. Majotra)
Member (A)

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