

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

DA No. 2103/97

New Delhi: this the 29th day of August, 2000.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A)

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Anil Kumar Agarwal,
S/o Sh. P. P. Gupta,

Aged about 42 years,

R/o A-2/127, S.J. Enclave,
New Delhi-29,

And working as Draftsman, Gr. I,
under the Director of Civilian,

Personnel Naval Headquarters,

Sena Bhawan,

New Delhi

....Applicant.

(By Advocate: Shri S. S. Tiwari)

Versus

1. Union of India
through

Secretary,

Ministry of Defence,

South Block,
New Delhi.

2. Chief of Naval Staff,
through

the Director of Civilian Personnel,

Naval Headquarters,
Sena Bhawan,

New Delhi.

3. Deputy Director of Civilian Personnel,

Naval Headquarters,
Sena Bhawan,

New Delhi

.....Respondents.

(None appeared)

ORDER

Mr. S. R. Adige, VC (A):

Applicant seeks refixation of pay as

Sr. Draftsman w.e.f. 7.10.83 in the pre-revised scale of

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Rs. 1600-2660/- w.e.f. 1.1.86 so that he does not get less pay than his junior Shri S.M. Nidagundi whose pay was fixed at Rs. 2200 p.m. in the scale of Rs. 1600-2660. Consequential benefits have also been prayed for.

2. We have heard applicant's counsel Shri S.S. Tiwari. None appeared for respondents, although we waited for a considerable length of time. As none appeared for respondents, we are disposing of this O.A. after hearing Shri Tiwari and perusing the pleadings.

3. Shri Tiwari has invited attention to para 4.4 of respondents' reply to the OA in which they have conceded that applicant superceded Shri Nidagundi while getting promotion as Sr. Draftsman. By superceding Shri Nidagundi, as Sr. Draftsman, applicant became senior to Shri Nidagundi, and under the circumstance has a claim to draw pay and allowances atleast equal to that of Shri Nidagundi. Each month that applicant drawn pay less than that of Shri Nidagundi gives him a cause of action. Limitation, ^{at} if all can apply only in respect of arrears, in the light of the Hon'ble Supreme Court's decision in M.R. Gupta Vs. UOI 1995(5) SCALE 29.

4. Under the circumstance the OA succeeds and is allowed to the extent that respondents are directed to refix applicant's pay and allowances equivalent to that drawn by Shri Nidagundi with effect from the date applicant was promoted as Sr. Draftsman on notional basis with other consequential benefits, but limiting actual payment of arrears to 1.9.97 onwards, as

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this OA itself was filed only on 4.9.97. No costs.

A. VedaVali
(DR. A. VEDAVALI)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A)

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