

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

D.A.No.2233/94

New Delhi, this the 11th day of November, 1994.

HUNBLE SHRI P.T.THIRUVENGADAM MEMBER(A)

Shri V.P.Sharma,  
D.S.P. CBI.,  
A.C.U. VII, 8th Floor,  
Lok Nayak Bhawan, New Delhi ..Applicant  
(By Shri C.Hari Shankar, Advocate)

Vs.

1. Union of India, through:  
The Director,  
Central Bureau of Investigation,  
3rd Block, C.G.O. Complex,  
Lodhi Road, New Delhi.
2. Union of India, through:  
Secretary,  
Department of Personnel & Trg.,  
Ministry of Personnel, PG & Pensions,  
North Block, New Delhi.

(By none)

ORDER(Oral)

HUNBLE SHRI P.T.THIRUVENGADAM MEMBER(A)

The learned counsel for the applicant explained that the applicant was initially promoted as Inspector and posted to Delhi vide orders dated 3-9-82 (Annexure 5). The applicant had certain personal problems and requested for being detained at Jammu on his promotion. This was ultimately considered and by later order dated 14-3-83 he was allowed to continue itself on promotion. In the process, a number of other S.Is junior to the applicant and who had also been promoted by the first order dated 3-9-82 got fixation in the higher scale from an earlier date. It is the case of the applicant that he has been suffering loss in emoluments compared to his juniors and this has been continuing ever since but he has no problem about his seniority which has been maintained even after the <sup>later</sup> original promotion orders. The applicant

had been continuously representing to the respondents and his representation has been disposed of by Assistant Director (E)/CBI New Delhi vide letter dated 23-3-92 (Annexure 3). It has been explained that the alleged anomaly in the pay vis-a-vis his juniors had arisen because the applicant was reluctant to move out of Jammu on promotion whereas his juniors had immediately taken the opportunity of taking over charge of Inspector on promotion. It has also been clarified that as per rules, the stepping up of pay of a senior can be permitted only when the junior in a lower rank starts getting more pay on his promotion taking place subsequently. The learned counsel for the applicant explained that against reply a further representation has been filed with the Director CBI and this further representation has not yet been disposed of.

2. This O.A. has been filed only in November 1994 and the impugned order is dated 23-3-92 rejecting the plea for stepping up of pay.

3. This O.A. is liable to be dismissed on limitation since the final order was passed on 23-3-92. The applicant claims that he made a representation to the Director, CBI., but the long delay of 2 years and 8 months for filing this O.A. after the final orders of 23-3-92 has not been satisfactorily explained. In the <sup>as per the above order</sup> circumstances, O.A. is dismissed. However, this is without prejudice to respondents considering the application on merits.

P. T. THIRUVENGADAM  
Member(A)  
11-11-94

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