

Central Administrative Tribunal  
Principal Bench: New Delhi

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RA No.52/95 in  
OA-2356/93

New Delhi this the 27<sup>th</sup> Day of March, 1995.

Hon'ble Sh. N.V. Krishnan, Vice-Chairman (A)  
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

1. Union of India through  
the Secretary,  
Ministry of Defence (Finance),  
North Block,  
New Delhi.
2. The Financial Adviser (DS),  
Ministry of Defence (Finance),  
South Block,  
New Delhi.
3. Controller General of Defence Accounts,  
West Block-V, R.K. Puram,  
New Delhi.
4. Controller of Defence Accounts (Hqrs),  
'G' Block,  
New Delhi.

...Applicants

Versus

Sh. K.S. Rangaswamy,  
A-35/F Flats,  
Munirka,  
New Delhi.

...Respondents

ORDER(By circulation)  
Hon'ble Mr. N.V. Krishnan:-

OA-2356/93 was allowed by our order dated 28.11.94 with certain directions to the respondents. The respondents have filed this application seeking a review of that order.

2. We have seen the Review Application. We are satisfied that it can be disposed of by circulation and we proceed to do so.

3. In the OA, we held that though the applicant was appointed to the Junior Time Scale of the Indian Defence Accounts Service on 28.3.88 yet, he was given the charge of Group Officer which was in the senior time scale. We held that having worked in the senior time scale post, he was entitled to pay of that pay scale.

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4. In the Review Application it is stated that this conclusion is wrong as the applicant functioned only against an existing vacancy of a junior time scale post and could not be remunerated in the senior time scale.

5. That was the basic controversy. On 27.10.94, after hearing the parties, we directed the respondents to produce the rules regarding cadre strength in the junior time scale and senior time scale, particulars of the posts in both these time scales as well as strength of the junior time scale on the date when the applicant was appointed to the service on 28.3.88 were also called for. The respondents were also to indicate who were holding the posts on that date, i.e., by direct recruitment or promotee. This information, if it would have been furnished, would have shown whether the applicant was holding a Group Officer post in the senior time scale as averred by him or only a post in the junior time scale as now stated in the Review Application. This information was not furnished and hence we came to the conclusion that the applicant was holding a senior time scale post. That information is even now not furnished. That is more or less admitted in para 4.5 of the reply of the respondents in the OA. Hence, there is no error in this regard.

6. We observed that the applicant was not ineligible to hold a senior time scale post. In the Review Application, Rules have been cited which relate to promotion to junior time scale. The annexed rules do not indicate, in particular, the qualifications for a junior time scale officer to be promoted to a senior time scale.

7. Reference is also made in the Review Application to the order passed by the Delhi High Court in CCP-88/81 in respect of their earlier judgement in Writ Petition No.1342/1972, referred to by us in para-9 of our judgement. If any thing, this modification goes against the respondents. The Court has not only held that the petitioners were entitled to pay in the senior time scale of Rs.1100-1600 but that their pay in the senior scale should not be less than the pay given to other two private respondents at the stage of Rs.1500/-, though Government had a case that the fixation of pay of those two respondents in the senior time scale at Rs.1500/- was on the consideration of their earlier service in that grade. This does not detract from the ratio of the decision that if the applicant had worked in the senior time scale post he has to be remunerated on the basis of that scale.

8. Lastly, the issue of 'equal pay for equal work' is raised which is totally irrelevant, as that is not the issue in the OA.

9. There is no merit in the RA. It is dismissed.

*Lakshmi Swaminathan*  
(Smt. Lakshmi Swaminathan)  
Member (J)

*N.V. Krishnan*  
(N.V. Krishnan)  
Vice-Chairman (A)

'Sanju'