

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

R.A.No.136/98

IN

O.A.No.447/93

New Delhi: this the 6th day of May, 1999.

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

HON'BLE MR. T. N. BHAT, MEMBER (J)

Mrs. Neelam Bala Kapoor Applicant.
(By Advocate: Shri V.P. Singhal)
Versus

Union of India through

1. The Secretary to the GOI,
Department of Economic Affairs,
Ministry of Finance,
New Delhi.
2. The Secretary to the GOI,
Department of Personnel & Training,
Ministry of Personnel, P.G.A Pensions,
New Delhi. Respondents.

(By Advocate: Shri P. H. Ramchandani).

ORDER

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

Heard both sides.

2. There is no denial in rejoinder to the OA, to respondents' contention in their reply, that as the benefit under the Award implemented by Govt. vide O.M. dated 13.4.88 (while applicant seeks benefit of) was available only to a direct recruit Asstt. of an earlier Asstt. Grade Exam. vis-a-vis a junior from a later Asstt. Grade Exam., and as both applicant as well as Shri N.K. Gupta were appointed on the basis of the same Asstt. Grade Exam. of 1974, applicant was not entitled to the benefit of the Award, and as the anomaly was not due to the direct application of FR 22 C, her case was not covered by

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3. Despite that, respondents by their O.M. dated 9.10.96 (Annexure-I) decided to extend the benefits of their O.M. dated 13.4.88 to cases where the juniors and seniors had been recruited on the basis of the same Asstt. Grade Exam., in consequence of which respondents by order dated 19.3.98 stepped up applicant's pay equal to that drawn by Shri N.K. Gupta w.e.f. 1.2.91 and have also granted arrears from 8.10.96.

4. Applicant's counsel has argued that arrears are admissible from 1.2.91 itself and has relied on the Tribunal's order dated 7.4.94 in OA No.524A/94 ^{we} V.P. Singhal Vs. UOI & Ors., but ~~on~~ notice that applicant had not prayed for arrears in the OA, ^{not} and such a ground cannot be urged in an RA, the scope and ambit of which is defined by section 22(3) (f) AT Act read with Order 47 Rule 1 CPC.

5. The RA is therefore dismissed.

15 May 1999,
(T.N.BHAT)

MEMBER(J)

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

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