

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, DELHI

Regn. No. OA 460 of 1988

Date of decision: 8.11.1988.

Shri B.N. Maharaj

Applicant

Vs.

Union of India and Others

Respondents

PRESENT

Shri B.B. Rawal

Counsel for the applicant.

Shri K.C. Mittal &

Counsel for the respondents.

Shri A.K. Behera

CORAM

Hon'ble Shri B.C. Mathur, Vice-Chairman.

This is an application under Section 19 of the Administrative Tribunals Act, 1985, against fixation of the salary of the applicant lower to that of his junior, Shri R.C. Maharaj, and has prayed that his salary should be stepped up to what is ~~that of~~ ^{pending to} Shri R.C. Maharaj.

2. The applicant joined as a Constable at Kohima under SIB, Calcutta. This was a decentralised cadre, but he was transferred to the set-up of C.I.O., Allahabad and then to Patna. He was promoted as Junior Intelligence Officer Grade-II which is also a decentralised cadre, but according to Annexure-D to the application, there was an All India Seniority List of Junior Intelligence Officers (Grade-II) in which the applicant has been shown at Sr. No. 316 whereas Shri R.C. Maharaj has been shown at Sr. No. 803. According to Annexure-D, the applicant was promoted as JIO (Grade-II) on 4.11.78 whereas Shri R.C. Maharaj was promoted to the same Grade on 23.6.1980.

3. While the applicant was posted as JIO (Grade II) at Bhilai under the administrative control of AD, Jamshedpur, under the SIB Patna Unit at Bhilai, was transferred to SIB, Bhopal, in 1979 for administrative reasons. Although the cadre of JIO (Grade II) was decentralised and he should not have been transferred to

a different Unit outside his parent Unit, but this has been done several times. He was not asked to give his consent for such a transfer, but he did not object to these transfers as these have been quite often. The case of the applicant now is that while Shri R.C. Maharaj who is junior to him in the concerned Seniority List, issued at Annexure-D, he is now getting a lower salary than Shri R.C. Maharaj. He made several representations requesting for stepping up his salary as JIO Grade-II. The SIB, Calcutta, sent his representation to IB on 15.2.85 (Annexure-E to the application). The applicant made another representation on 24.3.1986 while working as JIO Grade II at Malda, to SIB, Calcutta, once again regarding stepping up of his salary to make it equal to that of Shri R.C. Maharaj, but no decision has been conveyed to him on his representation. He was informed by the SIB, Calcutta, on 30.9.86 that his grievance was being examined by the IB Headquarters as well as SIB, Patna.

4. The respondents accept that the post of JIO Grade II is a decentralised post and it becomes centralised only with the rank of JIO Grade I. They accept that the applicant has been shown at Sr. No. 316 whereas Shri R.C. Maharaj has been shown at Sr. No. 803. According to the learned counsel for the respondents it is not clear whether there was a common seniority list of JIO-II or whether the common seniority list is in the grade of JIO-I, but the position given in Annexure-D to the application has not been specifically denied.

5. The learned counsel for the applicant reiterates that transfer to the Bhilai Sub Unit or from Patna to Bhopal was on administrative grounds and for this action, the applicant should not suffer.

6. After hearing the arguments on both sides, I am of the view that the representation of Shri B.N. Maharaj, the applicant, dated 24th March, 1986 should be examined by the respondents

and finalised within a period of three months from the date of receipt of these orders. The application is disposed of accordingly. There will be no orders as to costs.

A copy of the order may be supplied to the applicant 'Dasti'.


B.C. Mathur
8.11.88
(B.C. Mathur)
Vice-Chairman