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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

Registration O.A. No. 921 of 1986

Sri K.B. Sharma Applicant.

Versus

Union of India Respondent.

Hon'ble Mr. Justice U.C. Srivastava, V.C.
Hon'ble Ms. Usha Savara, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

Heard Sri J.P. Singh, Counsel for the Applicant.
Against the Act of the Respondent in not stepping up

the pay of the applicant at par to the level of his junior officer who was promoted to Grade-I after 1.1.1973 and was given the benefit of concordance table, this application has been filed by the applicant. By means of this application, the applicant has prayed that the respondent may be directed to set aside his act in not stepping up the scale of the applicant at par with that of his junior officer, i.e. Shri K.S. Chhetry who was promoted to Grade-I on 20th September, 1973 and was given pay at the rate of Rs.1350/- whereas the applicant was getting the pay of Rs. 1150/- on that date since his pay was not fixed under the concordance table which came only in operation w.e.f. 1st January, 1973 and declare that the applicant is entitled to the pay of Rs. 1350/- w.e.f. 20th September, 1973 and to fix his pay accordingly afterwards and further direct the respondent to pay Rs. 1350/- to the applicant as given to his junior Shri Chhetry with all consequential benefits like arrears of pay, allowances, retirement benefits and enhanced pension etc. to which he would have been entitled if he was not illegally deprived of the same.

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(11)

2. The applicant, who is now represented by his legal heirs and representatives, was initially appointed as Sub-Editor, New Services Division, All India Radio, Ministry of Information & Broadcasting. He was later on promoted from Grade-II of the Central Information Service to Grade-I w.e.f. 20th March, 1972. Since the applicant was drawing Rs. 810/- as his basic pay in Grade-II, his pay on promotion to Grade-I was fixed at Rs. 820/- per month. Under the Third Pay Commission Recommendation, the Grade-II scale of CIS was revised from Rs. 400-950 to Rs. 700-1300, and the Grade-I scale from Rs. 700-1250 to Rs. 1100-1600, with the result, the applicant's pay was fixed at Rs. 1100/- w.e.f. 1.1.1973 in the revised scale of Rs. 1100-1600 in Grade-I of CIS. In the year 1975, the Government accented another recommendation of the Third Pay Commission which stated that the pay of officers of organised Central Services, when promoted from junior scale to senior scale should be fixed after giving them a weightage of Rs. 150-200 according to the number of years served in the junior grade. It was decided in the memorandum dated 14th November, 1975 that the pay of an officer promoted earlier i.e. before 1.1.1973 to the senior scale of services specified in that office Memorandum can be stepped up to bring at par with the pay of the officer of the same category in the service promoted later i.e. on or after 1.1.1973 and ~~that~~ pay gets fixed at a higher stage in that scale after application of the Concordance Table. The applicant was not drawing lesser pay in Grade-II on the date of his promotion to the senior scale than Shri Chhetry. The applicant made a representation for stepping up of his pay to the level of an officer junior to him under the Government's decision regarding application of the Concordance Table vide his representation dated

- 3 -

14th February, 1977, a copy of which is attached as Annexure-4-2. According to the respondent, the application of concordance table was subject to certain conditions. One of the essential conditions was that promotion from junior class-I to senior class-I should be on regular basis. However, both the applicant and Sri K.S. Chhetry were promoted on adhoc basis. Both of them were not entitled to the fixation of pay under Concordance Table. Now the error which was discovered in the case of Sri Chhetry was that he was also promoted on adhoc basis like the applicant and there is no denial of fact that both the applicant and Sri Chhetry were promoted on the same capacity and later on, they were regularised, and there was no break in their continuity.

3. Learned counsel for the applicant contended that ofcourse legally the applicant was entitled to such benefit from the date his adhoc appointment started. In case he was entitled to the benefit of the same, obviously, he was entitled for the benefits from the date when his name was included with the names of 17 other officers. Obviously the applicant being senior to the said K.S. Chhetry, cannot be ~~given~~ ^{denied} the same scale which was given to Sri Chhetry and cannot be discriminated without any ^{rhyme} ~~reason~~ and reason. We are also agreed with the view taken by this Tribunal in the case of Sri Y.D. Piplani and others Vs. Union of India and others, 1987 CAT page 257.

4. Accordingly, this application is allowed and the respondent is directed to ^{set} ~~set~~ up the pay scale of the applicant from the date his adhoc appointment started and not from the date his adhoc appointment matured into regularisation and he will be given all consequential

However, we make it clear that our judgment will not affect the seniority of the applicant to which he may be claiming. The application is disposed of with the above directions. No order as to the costs.

G. Lavare
Member(n)

[Signature]
Vice-Chairman

Dated: 21.12.1992
(n.u.)