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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No.      1493/      1987  
~~T.A. No.~~

DATE OF DECISION 16.11.1988.

Shri Narendra Dev Ahuja      ~~Petitioner~~ Applicant.

Appeared in person      ~~Advocate for the Petitioner(s).~~

Versus

Union of India & others      Respondents.


Shri P.P. Khurana      Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Kaushal Kumar, Member (A).

~~The Hon'ble Mr.~~

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether to be circulated to other Benches? *No*

  
(KAUSHAL KUMAR)  
MEMBER (A)  
16.11.1988.

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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, DELHI.

Regn. No. OA 1493/87.      DATE OF DECISION: 16.11.1988.

Shri Narender Dev Ahuja      ....      Applicant.

V/s.

Union of India & Others      ....      Respondents.

CORAM: Hon'ble Mr. Kaushal Kumar, Member (A).


For the Applicant      ....      Applicant in person.

For the Respondents      ....      Shri P.P. Khurana, Counsel.

JUDGEMENT

In this application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant who is a Stenographer (Ordinary Grade) in the office of the Chief Engineer (Designs), Central Public Works Department, Quality Control Core Wing, Nirman Bhawan, New Delhi, has prayed for a direction to the Respondents to fix his pay in the scale of Rs.425-700 with effect from 26.12.1985 (which has since been revised to Rs.1400-2300 with effect from 1.1.1986) and also for payment of arrears alongwith interest at the rate of 20% per annum.


2.      The applicant, who appeared in person, contends that he was posted to work with the Superintending Engineer (Quality Control) vide Office Order dated 24.12.1985 filed as Annexure A-1 to the application and that the Superintending Engineers are entitled to the services of Stenographer (Senior Grade) and, therefore, he is entitled to pay fixation in the senior grade of Rs.1400-2300. The applicant has referred to the case of one Shri Shashi Kumar Sharma, Stenographer (Ordinary Grade) who while he worked as Stenographer (Senior Grade) with a Superintending Engineer was paid in the scale of Rs.425-700 (Senior Grade). A copy of the relevant order dated 5.4.83 relied upon by the applicant is filed as Annexure 'A' to the rejoinder.



3. The applicant has not been able to produce any Office Memorandum showing that a Superintending Engineer is entitled to the services of a Stenographer (Senior Grade). This might be a practice in the department but merely because the applicant was required to work with a Superintending Engineer does not entitle him either to the higher scale or pay fixation in the higher scale. In fact in the counter-affidavit filed by the Respondents it is clearly stated that only a post of Stenographer (O.G.) was sanctioned for the Superintending Engineer (Quality Control) with whom the applicant was asked to work as Stenographer (Ordinary Grade). Para 6(f) of the counter-affidavit states as follows: -

" As per Office Order No.17 of 1986 issued vide DGW's letter No.2(24)/85-WII/DGW dated 29/1/86 (enclosed below) one post of Steno (O.G.) was sanctioned by the Director General of Works to be attached to the newly created post of Supdtg. Engineer (Quality Control). Since Shri N.D. Ahuja was working as a Stenographer (O.G.) with E.E., Division-II, he was transferred from that Division to work with S.E.(QC). It was only a routine transfer from one room to another and his request to fix his pay in the Scale of Senior Steno as per provisions of the FR-22(C) was not covered under the Rules."

4. The applicant also referred to the provisions of FR 22(C). All what FR 22(C) envisages is that where a Government servant holding a post in a substantive, temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity to another post carrying duties and responsibilities of greater importance than those attaching to the post held by him, his initial pay in the time-scale of the higher post shall

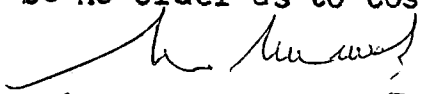


be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued.

5. In this case there was no post of Stenographer as such in the higher scale attached to the Superintending Engineer (Quality Control) and the question of any promotion or appointment to the post of Stenographer (Senior Grade) would not arise. Even the Office Order dated 24.12.1985 filed as Annexure 'A' to the application clearly states that the applicant was merely attached to work with the Superintending Engineer (Quality Control). The Office Order dated 24.12.1985 does not give any indication that the applicant was promoted to work in the higher post of Stenographer (Senior Grade).

6. The applicant has also not been able to show that any person junior to him in the cadre of Stenographer (Ordinary Grade) has been promoted to the higher post of Stenographer (Senior Grade). Mere posting with a senior officer does not entitle a person to claim the benefit of any higher scale and in this case no post of Stenographer (Senior Grade) was sanctioned for Superintending Engineer (Quality Control) with whom the applicant was attached or posted to work. The applicant also referred to the doctrine of equal pay for equal work as enshrined in Article 39(d) of the Constitution of India. In this case the said doctrine is neither attracted nor is it applicable. The applicant has not been able to show that he was required to carry duties and responsibilities higher than what he had been doing before his posting with the Superintending Engineer (Quality Control).

7. The application is devoid of any merit and is accordingly rejected. There shall be no order as to costs.

  
(KAUSHAL KUMAR)  
MEMBER (A)  
16.11.88.