

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

21
O.A.523/87

DATE OF DECISION: 18.9.1992

Lekh Ram

.. Applicant

vs.

Union of India and Others. .. Respondents

For the Applicant

.. Shri R.L.Sethi, Advocate

For the Respondents

.. Shri P.P.Khurana, Advocate

CORAM

The Hon'ble Mr.S.P.Mukerji, Vice Chairman

The Hon'ble Mr.T.S.Oberoi, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgment?
2. To be referred to the Reporter or not?

JUDGMENT

(Hon'ble Mr.S.P.Mukerji, Vice Chairman)

In this application dated 13.4.1987 the applicant who has been working as Offset Machine Man in the Government of India Photo Litho Press under the Director of Printing, New Delhi, has claimed the benefit of stepping up of pay and consequential reliefs with effect from 4.10.1982, i.e, the date when his junior started getting Rs.500/- per month. The brief facts not in dispute are as follows.

2. The applicant was directly appointed as an Offset Machine Man Grade I on 9.4.79 in the scale of Rs.425-700. Shri Pawan Kumar who was directly appointed in the lower grade of Offset Machine Man Gr.II on 6.4.79 in the scale of Rs.425-600 was promoted to Grade I on

4.10.82. His pay was fixed in the scale of Rs.425-700 under FR 22C at Rs.500/- At that time, the applicant was drawing a pay of Rs.470/- per month. The applicant's grievance is that even though Shri Pawan Kumar who was promoted to Grade I in 1982 and is thus junior to him in that grade, was given Rs.500/- per month on promotion, the applicant being senior to him is drawing the lesser pay of Rs.470/- in Grade I. He has claimed the benefit of stepping up of his pay to Rs.500/- with effect from 4.10.82.

3. The respondents have opposed the application on the ground that the applicant and Shri Pawan Kumar came to Grade I from two different sources and thus the principle of stepping up of the pay is not available to the applicant.

4. We have heard the arguments of the learned counsel for both the parties and gone through the documents carefully. The principle of stepping up of the pay has been adopted in accordance with the Government of India's O.M. No.F.2(78)-E.III(A)/66 dated the 4th February, 1966 extracted in Government of India's Decision No.8 below F.R.22-C on page-90 of Swamy's Compilation of F.R.S.R. Part-I General Rules(10th Edition). The following extracts from that order would be relevant:-

"In order to remove the anomaly of a Government servant promoted or appointed to a higher post on or after 1.4.1961, drawing a lower rate of pay in that post than another Government servant junior to him in the lower

22

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grade and promoted or appointed subsequently to another identical post, it has been decided that in such cases the pay of the senior officer in the higher post should be stepped up to a figure equal to the pay as fixed for the junior officer in that higher post. The stepping up should be done with effect from the date of promotion or appointment of the junior officer and will be subject to the following conditions, namely:-"

(emphasis added)

The above will show that the stepping up of the pay is available only where two Government servants are working together in the lower grade and the senior who is promoted earlier gets pay which is lower than the pay drawn by his junior in the lower grade who is promoted subsequently to an identical post. Since in the present case such a condition does not obtain and the applicant was directly recruited to Grade I whereas Shri Pawan Kumar was promoted from Grade II, the benefit of stepping up of pay would not be available to the applicant. The application is dismissed without any order as to costs.

See 18-9-92
(T.S. Oberoi)

JUDICIAL MEMBER

SP
18-9-92
(S.P. Mukerji)
VICE CHAIRMAN

n.j.j