

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**NEW DELHI**

O.A. No. 52/1990  
T.A. No.

199

DATE OF DECISION 22.03.1991

<u>Shri K.M.L. Saxena</u>	<u>Petitioner</u>
<u>In person</u>	<u>Advocate for the Petitioner(s)</u>
<u>Versus</u>	
<u>Union of India</u>	<u>Respondent</u>
<u>Shri P.H. Ramchandani, Sr. Counsel</u>	<u>Advocate for the Respondent(s)</u>

**CORAM**

**The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN(J)**

**The Hon'ble Mr. D.K. CHAKRAVORTY, ADMINISTRATIVE MEMBER**

1. Whether Reporters of local papers may be allowed to see the Judgement ? ✓
2. To be referred to the Reporter or not ? ✓
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✓
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✓

**JUDGMENT**

(of the Bench delivered by Hon'ble Mr. D.K. Chakravorty,  
Administrative Member)

The grievance of the applicant, who has worked as Deputy Director, Survey Design and Research Division, National Sample Survey Organisation, Department of Statistics relates to the rejection of his representation regarding fixation of his pay on promotion.

2. The applicant and his junior, Shri Ranganna were promoted from Grade IV to Grade III of the Indian Statistical Service by order dated 1.9.1987. The applicant was posted to Calcutta while Shri Ranganna was posted to Nagpur. Shri Ranganna joined at Nagpur on 28.9.1987 while the applicant joined at Calcutta on 30.12.1987.
3. The case of the applicant is that the delay in relieving him is attributable to the respondents as he had been entrusted with

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important work by them. This has been denied by the respondents. According to them, he had represented for his retention in Delhi for personal reasons. They have annexed his representations dated 21.10.1987, 12.11.1987 and 2.12.1987 to their counter-affidavit. The cadre controlling authority did not agree to revise the posting orders.

4. We have carefully gone through the records of the case and have considered the rival contentions. The admitted factual position is that Shri Ranganna complied with the promotion-cum-transfer orders on 28.9.1987, whereas the applicant represented to the authorities concerned for retaining him in Delhi itself. The competent authority did not ~~not~~ accede to his request and he joined the post at Calcutta on 30.12.1987. In the facts and circumstances, there is no merit in the claim put forward by the applicant for stepping up his pay under the Fundamental Rules, as prayed for by him. The application is dismissed at the admission stage itself. The parties will bear their respective costs.

*D.K. Chakravorty*  
(D.K. CHAKRAVORTY)

MEMBER (A)

*P.K. Kartha*  
(P.K. KARTHA)  
VICE CHAIRMAN (J)