

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

11

OA No.15/92

Date of decision: 17.05.1993.

Shri A.N. Bhowmick

...Petitioner

Versus

Union of India & Anr.

...Respondents

Coram: The Hon'ble Mr. I.K. Rasgotra, Member (A)

For the petitioner

Shri Sant Lal, Counsel.

For the respondents

Shri M.L. Verma, Counsel.

Judgement(Oral)

Heard the learned counsel for both the parties. The relevant facts of the case are that the petitioner was promoted as Superintending Geophysicist (Scientist 'D') in the pay scale of Rs.1500-2000 w.e.f. 17.3.1982. This scale came to be replaced w.e.f. 1.1.1986 by Rs.3700-5000. The petitioner's junior Shri Vijayaraghavan was also promoted as Senior Hydrogeologist (Scientist 'D') w.e.f. 6.6.1988. The petitioner was thus promoted to the higher scale of Rs.3700-5000 in 1982 whereas his junior Shri Vijayaraghavan was promoted to that scale on 6.6.1988. The new recruitment rules came into being from 18.5.1957 when the technical cadres were restructured and regrouped. The posts of Director, Superintending Chemist, Superintending Geophysicist in the pay scale of Rs.3700-5000 were redesignated as Scientist 'D' while the posts of Senior Hydrogeologist, Senior Geophysicist, Senior Chemist were redesignated as Scientist 'C'. The petitioner in Grade 'C' originally had the designation of Senior Geophysicist while his junior Shri Vijayaraghavan carried the designation of Senior Hydrogeologist. Both the posts at that level were in the scale of Rs.1100-1600/Rs.3000-4500. The grievance of the petitioner is that although he had been promoted to the scale of Rs.1500-

2

2000/Rs.3700-5000 in 1982, he is drawing less pay than his junior Shri Vijayaraghavan, who was in the scale of Rs.1100-1600 on the crucial date of 31.12.1985 and was refixed in the revised scale of Rs.3000-4500 on 1.1.1986. He was thereafter promoted to the pay scale of Rs.3700-5000 w.e.f. 6.6.1988. Thus Shri Vijayaraghavan has got the benefit of first higher fixation in the revised pay scale w.e.f. 1.1.1986 in accordance with the revised pay rules and thereafter on promotion being refixed in the pay scale of Rs.3700-5000. This position is clear from page 8 of the chart furnished by the respondents in their counter-affidavit except that the pay scale in the case of Shri Vijayaraghavan in column 4 relating to him should be Rs.1100-1600/Rs.3000-4500. The anomaly has arisen only because the petitioner was promoted prior to 1.1.1986 to the higher scale of pay while his junior was first fixed in the equivalent scale of pay at the lower level and thereafter promoted to the higher pay scale on his promotion. The respondents have denied him the benefit of stepping up of pay, as according to them the petitioner and his junior Shri Vijayaraghavan had different channel of promotion and belonged to different cadres prior to 1987.

2. I have considered the matter carefully and find that as far as the petitioner and his junior are concerned, both belong to the Scientist category. All that happened is that due to the reorganisation which emanated from the recommendations of the Third Central Pay Commission introducing Flexible Complementing Scheme for the Scientists took shape in these categories in 1987 when the new Recruitment Rules were notified. The petitioner and his junior were

2

(3)

carrying equivalent responsibilities and were Scientists. They had the same scale of pay. The anomaly has also arisen as the junior was first fixed at the equivalent level in the revised scale of pay on 1.1.1986 and thereafter on promotion to the higher scale with the benefit of FR 22-C. In my opinion the case is covered under Note-7 of Rule-7 order and of C.C.S. (Revised Pay) Rules, 1986. I accordingly/direct that the respondents shall step up the pay of the petitioner with effect from the date junior to the petitioner started drawing higher pay in the pay scale of Rs.3700-5000. <sup>ential</sup> He shall also be entitled to the arrears of differ/from the date his pay is stepped up. These directions shall be carried out within a period of three months from the date of communication of this order.

3. The O.A. is disposed of with the above directions.

No costs.

San.

*Debjyoti*  
(I.K. RASGOTRA)  
MEMBER(A)