

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No.2504 of 1992

New Delhi, this the 11th day of November, 1997

Hon'ble Dr. Jose P. Verghese, Vice Chairman (J)
Hon'ble Mr. N. Sahu, Member (Admnv)

Shri Sukhdev Singh Bhalla,
7, Dayanand Vihar, Vikas Marg Extn.,
New Delhi - 110 092. - APPLICANT

Versus

1. Union of India through Secretary to the Government of India, Ministry of Labour, Shram Shakti Bhawan, New Delhi.
2. The Secretary to the Govt. of India, Department of personnel & Training, North Block, New Delhi - 110 001 - RESPONDENTS

(By Advocate - Shri P.H. Ramchandani)

O R D E R (O r a l)

By Dr. Jose P. Verghese, VC(J). -

The applicant in this case is seeking relief of stepping up of his pay at par with his junior Shri P.K. Malhotra with effect from 13.1.1986 with all consequential benefits.

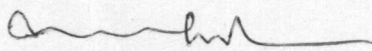
2. It was stated that Shri P.K. Malhotra, retired Under Secretary, Ministry of Finance, at the relevant time was receiving higher pay than that of the applicant. According to the applicant Shri Malhotra happened to receive higher pay when the respondents implemented the decision of this Court in the case of S.K. Summan, in O.A.No.1062 of 1989 decided on 5.9.1989 and accordingly the applicant gave a representation on 4.10.1988 for stepping up of his

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pay at par with that of Shri Malhotra. The said representation was rejected on the ground that even though the respondents had implemented the case of Shri S.K.Summan (supra) the respondents had considered all similar cases wherever the stepping up of pay would be permissible in accordance with the rules and the case of the applicant was stated to have been carefully considered and rejected on 5.9.1991. The applicant's case therefore was that since the respondents have given the benefit of stepping up of pay to Shri Malhotra when they proceeded to implement the case of Shri Summan(supra) in accordance with the orders of this Court, the same benefit should have also been given to the applicant.

3. After notice, the respondents filed a reply and stated that in the normal circumstances benefit given to Shri Malhotra when the respondents implemented the judgment in the case of Shri Summan (supra) would have been available to the applicant as well but for the fact that the applicant had already obtained the benefit of one stepping up of pay at par with his first junior, namely, Shri K.P.Nigam with effect from 2.1.1987 and it was stated that in terms of the Department of Personnel & Training's OM dated 31.3.1984 the benefit of stepping up of pay cannot be allowed to a senior officer for the second time, and it was for this reason that the benefit was not granted to the applicant.

4. We have perused the case file and we find this OM of 31.3.1984 on the basis of which the claim of the applicant was rejected was not challenged in this OA either. In the absence of the same and in the circumstances that the applicant has said nothing in the rejoinder against the averments of the respondents in their reply at para 4.8, we find no reason to interfere in this matter and accordingly this OA is dismissed with no costs.



(N. Sahu)
Member (Admnv)



(Dr. Jose P. Verghese)
Vice Chairman (J)

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