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Central Administrative Tribunal  
Principal Bench, New Delhi.

OA-524A/92

New Delhi this the 7th Day of April, 1994.

Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Sh. V. Pal Singal,  
S/o late Sh. Lakshmi Chand Singal,  
R/o C-2/F-6, Lodhi Colony,  
New Delhi-110 003.

Applicant

(Applicant in person)

versus

1. Union of India,  
through the Chief Controller  
of Accounts,  
CBEC, AGOR Building,  
New Delhi.
2. The Secretary,  
Ministry of Finance,  
Govt. of India,  
New Delhi.
3. The Secretary,  
DP&AR, Govt. of India,  
New Delhi.
4. The Controller General of Accounts,  
Ministry of Finance,  
Lok Nayak Bhawan,  
New Delhi.

Respondents

(By advocate Sh. P.H. Ramchandani, Sr. Counsel)

ORDER (ORAL)  
delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A)

I have gone through the records of the case  
and heard the learned counsel for the parties.

The brief facts of the case are that the  
applicant Sh. V. Pal Singal was appointed to the  
selection grade of Junior Accounts Officer on  
2.2.84 and later promoted as Pay & Accounts Officer  
on 2.8.1985. He retired as Pay & Accounts Officer  
on 31.12.1987. Admittedly, Sh. Keshav Gupta was

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his junior and before his promotion as Pay & Accounts Officer on 22.4.1987, he has been promoted as Asstt. Accounts Officer on 1.4.1987. This intermediate grade was created with effect from 1.4.1987. His placement in the intermediate grade gave Sh. Gupta an advantage over Sh. Singal so far as fixation of his pay on promotion to the post of Pay & Accounts Officer was ~~considered~~ <sup>in concert</sup> <sup>by</sup>. The respondents have already given the benefit of stepping up of the pay on notional basis to the applicant. The applicant admits that his pay has been rightly fixed at the time of his retirement. The only controversy remains is that he has not been paid arrears of increased salary from 22.4.1987 to 31.12.1987. This D.A. was earlier decided by a Division Bench on 29.1.1993 in the absence of the applicant and was dismissed at the admission stage itself. Later on, another Division Bench allowed the review application and recalled the judgement. It also directed that this case should be heard by a Single Member Bench.

This is not a case where a senior is claiming higher emoluments viz.viz. his junior for a higher post. In fact, the applicant was promoted as Pay and Accounts Officer on 2.8.1985 and his junior Sh. Gupta was promoted much later on 22.4.87. Hence, this is a question of removal of the anomaly ~~for~~ <sup>for</sup> which we have a decision of Government of India in O.M. No. F.2(78)-E. III (A)/66 dated 4.2.1966. It clearly states that the stepping up in such cases should be done w.e.f. the date of promotion or appointment of the junior officer and will be subject to the following

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conditions:-

- (a) Both the junior and senior officers should belong to the same cadre and the posts in which they have been promoted or appointed should be identical and in the same cadre;
- (b) The scales of pay of the lower and higher posts in which they are entitled to draw pay should be identical;
- (c) The anomaly should be directly as a result of the application of F.R. 22-C.

I hold that in this case the applicant meets all these conditions and is entitled to succeed. The respondents are, therefore, directed to pay him the arrears of increased salary and allowances with effect from 22.4.1987. The required payment shall be made expeditiously and preferably within three months from the date of communication of this order.

There will be no order as to costs.

*B.N. Dhoundiyal*  
(B.N. DHOUNDIYAL)  
MEMBER (A)

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