

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

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RA No.110/93 in
OA No.1689/92

Date of decision:29.04.93.

Union of India through
Secretary to the Govt.of India,
Ministry of Defence,
New Delhi & ors.

.... Review Applicant.

versus

Shri S.K.Narang

... Respondent

CORAM:-THE HON'BLE MR.J.P.SHARMA, MEMBER(J)
THE HON'BLE MR.S.R.ADIGE, MEMBER(A)

ORDER

(BY HON'BLE SH.J.P.SHARMA, MEMBER(J) IN CIRCULATION)

The Union of India(Respondents in OA No.1689/92) have filed the present RA against the judgement dated 5.3.93 by which the applicant, Shri S.K.Narang in the OA was granted benefit of stepping up of pay to the level of his junior, Shri S.D.Wadhwa advancing the date of increment of Shri Narang to 1.6.86 from 1.12.86 in the scale of pay of Stenographer Grade 'B' Rs.2000-3500.

2. In this RA, it is only alleged that there is an error apparent on the face of the judgement but it is not so. Admittedly, Sh.S.K. Narang and Sh.S.D.Wadhwa belong to the same cadre of Stenographer Grade 'C'. Shri S.K.Narang was promoted as Stenographer Grade 'B' in AFHQ Service on 30.12.80 while Sh.Wadhwa was promoted as Stenographer Grade 'B' in AFHQ/Service on 13.2.85. The new pay scale of the Grade 'B' Stenographer came into force from 1.1.86. On the basis of the recommendations of the Pay Commission the pay of Shri S.D.Wadhwa was fixed at Rs.2600/- with next date of increment as 1.6.86. The pay of Shri S.K.Narang was also fixed on 1.1.86 as Rs.2600 but his next date of increment being 1.12.86. Thus Shri S.R.Wadhwa would be

drawing more pay with additional one increment from 1.6.86 and thus, the junior would be getting more pay than the admitted senior Shri S.K.Narang. Second proviso to Rule 8 of the C.C.S(Revised Pay) Rules, 1986 reads as under:-

" Provided further that in cases/ those other than covered by the proceeding proviso, the next increment of a Government servant, whose pay is fixed on the 1st day of January, 1986, at the same stage as the one fixed for another Government servant junior to him in the same cadre and drawing pay at a lower stage than his in the existing scale, shall be granted on the same date as admissible to his junior, if the date of increment of the junior happens to be earlier."

The case of Shri S.K.Narang is fully covered by the aforesaid proviso. Otherwise also when both are working in the same grade of Stenographer Grade 'B' in the same scale of pay, a junior cannot draw more pay than of his senior. Thus, there is no error apparent on the face of the record.

3. The Union of India i.e. Review Applicants cannot reopen the case for fresh arguments.

4. In view of the above facts and circumstances, the present RA is devoid of merit and is accordingly dismissed.

S.R. Adige
(S.R. ADIGE)
MEMBER(A)

29/04/93

SNS

J.P. Sharma
(J.P. SHARMA)
MEMBER(J)

29/04/93