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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH  
NEW DELHI.

O.A.No. 480/92

New Delhi: this the 17<sup>th</sup> day of April, 1997.

HON'BLE MR. S. R. ADIGE, MEMBER(A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER(J).

Shri M.S.Jain,  
S/o Late Shri A.P.Jain,  
working as Section Officer,  
Union Public Service Commission,  
Dholpur House, Shahajahan Road,  
New Delhi - 110 011.

.... Applicant

(By Advocate: Shri K.L.Bhandula ).

Versus

1. Union of India through  
the Secretary to the Govt. of India,  
Ministry of Home Affairs,  
North Block,  
New Delhi.

2. The Secretary,  
Union Public Service Commission,  
Dholpur House, Shahjahan Road,  
New Delhi - 11 011.

3. The Secretary,  
Dep'tt. of Personnel & Training,  
Nirvachan Sadan,  
New Delhi.

... Respondents.

( By Advocate: Shri M.L.Verma ).

JUDGMENT

HON'BLE MR. S. R. ADIGE, MEMBER(A).

Applicant prays for refixation of pay  
in the grade of S.O. w.e.f. 15.1.86 at the level  
drawn by his junior Shri Manjit Kumar with all  
consequential benefits including arrears, increments  
and allowances.

2. From UPSC's letter dated 21.1.91 (Annexure-V)  
it is clear that applicant was appointed as S.O.  
in CSS Cadre w.e.f. 15.1.86 on the basis of LOCE of

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S.Os for 1983. The Select List of S.Os grade for 1983 had to be prepared for 300 vacancies (150 for seniority quota and 150 from LOCE of 1983). Although 150 vacancies were earmarked for examination quota for 1983 Select List, only 145 candidates selected on basis of LOCE 1983 were nominated by DP & T instead of 150 candidates and nomination of remaining 5 candidates was to be made later. Nomination of candidates on basis of LOCE 1984 was made in October, 1985 before nomination of 5 candidates from the LOCE 1983. Shri Manjit Kumar who was nominated for appointment as S.O. on the basis of 1984 exam. was appointed as SO in October, 1985, while applicant who qualified in the 1983 LOCE was nominated in January, 1986 after release of supplementary list. Thus on his appointment as S.O. Shri Manjit Kumar's pay who was admittedly junior to the applicant (as he belonged to the 1984 list) was fixed at the stage of Rs.710/- p.m. in October, 1985 and at the corresponding stage of Rs.2120/- in January, 1986 in revised scales, whereas applicant who was appointed as S.O. w.e.f. 15.1.86 drew pay of Rs.2000/- p.m. on his appointment.

3. We further note that while the department in which applicant is working (UPSC) have themselves recommended applicant's case to DP & T, it is that department in consultation with Finance Ministry which have turned down the applicant's prayer.

4. We have heard both sides and have given the matter our careful consideration. Admittedly Shri Manjit Kumar belonged to a batch subsequent to the applicant who for circumstances entirely beyond his control was compelled to join as S.O. after Shri Manjit Kumar did. In somewhat similar circumstances,

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the Hon'ble Supreme Court in their order dated 10.5.96 in Civil Appeal No.8829-8830/96 M.L.Mahna Vs. UOI & Ors. allowed the prayer for stepping up of pay to that of the applicant's immediate junior to remove an unjustifiable anomaly.

5. We hold that the ratio of the Hon'ble Supreme Court's judgment in Mahna's case (*Supra*) is fully applicable to the facts and circumstances of this particular case.

6. In the facts and circumstances of this particular case therefore the Oa is allowed. Respondents are directed to refix applicant's pay w.e.f. 15.1.86 at the level drawn by his immediate junior Shri Manjit Kumar, with all consequential benefits including arrears of pay, allowances and increments, and release the payments to him within 3 months from the date of receipt of a copy of this judgment. No costs.

*Lakshmi Swaminathan*  
( MRS. LAKSHMI SWAMINATHAN )  
MEMBER(J). 17/4.

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

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