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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI
* *

C.A. NO. 481/92

Date of Decision : 25.08.92

Shri R.M. Sen

...Applicant

Vs.

Union of India & Ors.

...Respondents

CORAM

Hon'ble Shri J.P. Sharma, Member (J)

For the Applicant

...Sh.K.L.Bhandula

For the Respondents

...Ms.Jasvinder Kaur, proxy
counsel for Sh.Jog Singh

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *N*

JUDGEMENT (ORAL)

The applicant, Shri R.M. Sen working as EAD/AE,

Inter State Matters, Directorate CWC has filed this

application aggrieved by the order dt.25.1.1991 refusing

extension of the benefit of stepping up of pay at the level

of the juniors in the grade of EAD/AE. He claimed the

relief that the applicant's pay be stepped up w.e.f. 27.5.1985

at the level of pay drawn by his junior, Shri S.P. Basu and

he be paid the arrears along with other benefits.

2. The brief facts of the case are that the applicant joined as Supervisor on 5.5.1965 in CGC. He was selected for deputation to Bhutan Chukha Hydel Project where he joined in October, 1980. While he was on deputation, persons junior to him working as Supervisor namely Shri S.P. Basu, Sarkar And Chander were given ad hoc promotion to the next promotional post of EAD/AE sometimes in June, 1981. The applicant was never called or given an option to revert to the parent department for availing of the said promotional benefit and he continued to work in Bhutan on the deputation post. All these ad hoc promotees were never reverted and continued to work till the date of their ultimate regularisation, i.e., 31.12.1984. The applicant was repatriated to the parent department and he joined on 27.5.85 as EAD/AE on regular basis with deemed date of promotion as 31.12.1984. The pay of the applicant was fixed as Rs.740 (P.R. in the scale of Rs.650-1200) instead of Rs.775 being drawn by his junior in the pre-revised scale. The applicant has also given a chart in para-4.10 comparing

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rejection order of stepping up of pay on the ground of discrimination as well as arbitrary and against the rules.

3. The respondents contested the application and filed the reply, but they could not make out any dent in the averments made by the applicant regarding the benefit of the already given judgements in the similarly situated Supervisors, who had also gone on deputation in the foreign service and after repatriation to the parent department were directed to be stepped up to the level of the pay drawn by their juniors. A list of these judgements has been given by the applicant in para 1(b) (i) to (vii). The contention of the respondents is that these judgements were applicable to these particular persons only and so the benefit could not be extended to the applicant. Besides this contention, there is a formal denial of facts of the para wise averments made in the application.

4. I have heard the learned counsel for the parties. The matter is very simple regarding the stepping

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already there are a number of judgements of similarly situated persons of the same department serving in the same grade and also have been on deputation in foreign service. Logically also when a person has gone on deputation and is repatriated to his parent department, he should not be put to a loss of seniority as well as money which in due course of time has been gained by the juniors, firstly on the basis of ad hoc promotion and later on followed by regularisation. The applicant on repatriation to the parent department has also been regularised notionally w.e.f. the date his junior was regularised, i.e., from 31.12.1984. But since he was on deputation, he could not get the benefit and the benefit can accrue to him only when he joined the parent department on 27.5.1985. On that date, the applicant has to be given the same pay as is being drawn by his immediate junior, Shri Basu. Any thing against this shall be discriminatory, arbitrary and against the principles of natural justice.

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the applicant to the level of his junior, Shri S.P.Basu

w.e.f. 27.5.1985 with all consequential benefits of

arrears etc. and refixation of pay in the revised scale.

The respondents shall comply with the above directions within

a period of three months from the date of receipt of a copy

of this judgement. No order as to interest and cost.

J. P. Sharma

(J.P. SHARMA)

MEMBER (J)

25.08.1992

AKS