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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.2030/93

New Delhi: this the 22nd March, 1996.

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

Shri R.C.Nangia,
S/o Sh. D.D.Nangia,
aged 54 years,
Surveyor of Works,
HQ Chief Engineer,
Udhampur Zone,
Udhampur,
J&K -182121

.....Applicant.

By Advocate Shri R.P.Oberoi.

Versus

1. Union of India,
through
The Secretary,
Ministry of Defence,
South Block,
New Delhi-110011.

2. Engineer-in-Chief,
Army Headquarters,
Ministry of Defence,
Kashmir House,
New Delhi-110011..

3. Controller General of Defence Accounts
(CGDA),
West Block, R.K.Puram,
New Delhi.Respondents.

By Advocate Shri P.H.Ramchandani.

JUDGMENT (ORAL)

By Hon'ble Mr. S.R.Adige, Member(A).

I have heard Shri R.P.Oberoi for the applicant and Shri P.H.Ramchandani for the respondents.

2. Shortly stated, the applicant who was Surveyor Assistant-Grade I in the Office of CWE, Meerut, was promoted as Assistant Surveyor of Works (ASW) in that office on adhoc basis vide Order dated 19.4.82 (Annexure-II) and assumed charge on ^{immediat} 7.7.82. Admittedly, his junior, one Shri Gajendra Singh also assumed charge as ASW on adhoc basis on 8.7.82. Thereafter, both the applicant as well as

Shri Gajendra Singh were regularised as ASW on 14.4.86. Pursuant to subsequent litigations, directions were issued by the Tribunal's judgments in the case of Kishan Chand Vs. UOI (O.A No.1037/86 decided on 10.9.87) and L.D.Kataria Vs. UOI (O.A.No.1626/87) whereby the panel for promotion of AWS was set aside and the respondents were directed to recast the seniority of ASW. Accordingly, the respondents issued an order dated 7.3.90 by which the applicant was regularised as ASW and Shri Gajendra Singh was also regularised with effect from the said date and they continued to retain their inter se seniority.

3. It appears that meanwhile the pay scales of ASWs were revised w.e.f. 26.7.82 and the benefit of this revision in pay scales was granted to Shri Gajendra Singh for fixation of pay as ASW which was refixed w.e.f. 27.7.82. This benefit of pay revision does not appear to have been given to the applicant.

4. In the result, the applicant's pay has been fixed at a point lower than that of Shri Gajendra Singh who is admittedly junior to him and this anomaly ^{has} reportedly continued ever since. During hearing, a point had arisen whether the applicant has exercised his option under FR -22C. It appears that the applicant did exercise his option on 5.4.90.

5. The respondents have invited my attention to Finance Ministry's O.M. dated 27.9.74 which lays down that stepping up of pay should be done

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with effect from the date of promotion of his junior officer. Respondents' counsel Shri Ramchandani during hearing has been unable to point out any reason to establish that the three conditions specified in O.M. dated 27.9.94 are not covered in respect of applicant vis-a-vis his immediate junior Shri Gajendra Singh.

6. Under the circumstances, I do not see any reason to deny the applicant the stepping up of pay vis-a-vis his immediate junior Shri Gajendra Singh w.e.f. 27.7.82 as ASW together with arrears of pay.

7. This OA is disposed of in terms of directions given above. The respondents are directed to calculate and pay the arrears of pay within 4 months from the date of receipt of a copy of this judgment. The claim for interest on the arrears is rejected as there was no wilful or deliberate delay on the part of the respondents.

No costs.

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

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