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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,  
NEW DELHI.

O.A.No.267/93

New Delhi this 3rd June, 1994.

CORAM:

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

Shri A.K.Koley,  
s/o Late K.S.Koley,  
working as Extra Assistant Director,  
Hydrology(N) Dte,  
Central Water Commission,  
Room No.507, Sewa Bhawan,  
R.K.Puram,  
New Delhi-110 066.

r/o

EF-616, Sarojini Nagar, New Delhi .....Applicant.

By Advocate Shri K.L.Bhandula

Versus

Union of India through  
Secretary to Govt. of India,  
Ministry of Water Resources,  
Shram Shakti Bhawan,  
New Delhi-110 001

2. The Chairman,

Central Water Commission,  
Sewa Bhawan,  
R.K.Puram,  
New Delhi-110 066

.....Respondents.

By Advocate Shri Jog Singh

ORDER

In this application Shri A.K.Koley, Extra Assistant Director, Hydrology(N), Directorate, Central Water Commission, New Delhi has prayed for refixation of his pay in the grade of EAD/AE w.e.f. 4.2.85 at the level of pay drawn by his junior Shri B.K.Sinha with arrears and all consequential benefits.

2. The applicant joined the Central Water Commission as Junior Engineer on 3.2.65 and was promoted as Extra Asstt.Director(EAD)/Asstt.Engineer(AE) on adhoc basis w.e.f. 22.7.81. He claims that his junior Shri B.K.Sinha was also promoted as EAD/AE w.e.f. 17.7.81 on adhoc basis and was regularised w.e.f. 31.12.84. He states that he was deputed to Koel Karo, H.E. Project in response to

CWC's order, but thereafter joined back on repatriation from deputation and was promoted as EAD/AE w.e.f. 4.2.85 on regular basis. He states that he is senior to Shri B.K.Sinha, but is drawing Rs.75/- per month less w.e.f. 1.3.86, and therefore prays for refixation of his pay as EAD/AE w.e.f. 4.2.85 and the level of pay drawn by his junior Shri B.K.Sinha along with arrears and consequential benefits.

3. The respondents admit that the applicant is senior to Shri B.K.Sinha. They, however, state that the applicant was not available for consideration for promotion to the higher grade of EAD/AE in CWC while Shri B.K.Sinha was promoted to the grade of EAD/AE on adhoc basis in CWC w.e.f. 17.7.81 and his continued officiation in the post of EAD/AE earned him annual increments.

4. Shri Bhandula, learned counsel for the applicant has cited a series of judgments of the Tribunal, wherein upon similar circumstances, the prayer for stepping up of pay has been allowed. One such recent judgment is dated 5.11.93 in O.A.No.1775/93 'Shri Shiv Charan Vs. Union of India & others'. Following that judgment, this O.A. also succeeds and the respondents are directed to fix the applicant's pay on par with that fixed in respect of his juniors who were appointed on adhoc basis while he was on deputation. Arrears should be calculated and paid within three months of the date of receipt of a copy of this order. No costs.

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

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