

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 13th day of December, 2000

Original Application No.32 of 1996

CORAM :-

Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiquddin, J.M.

H.C. Saxena, retired Office Superintendent  
in the Office of Divisional Security Commissioner  
(RPF), Northern Railway, Allahabad, now resident of  
A-330/1, G.T.B. Nagar, Kareilly Housing Scheme,  
Allahabad.

(Sri H.S. Kulshreshtra, Advocate)

. . . . .Applicant

Versus

1. Union of India through Chief Security Commissioner  
(RPF), Northern Railway, Baroda House, New Delhi.
2. Senior Divisional Security Commissioner (RPF),  
Northern Railway, Allahabad.

(Sri Prashant Mathur, Advocate)

. . . . .Respondents

O R D E R (O\_r\_a\_l)

By Hon'ble Mr. S. Dayal, A.M.

This application has been made for a direction  
to the respondents to fix pay of the applicant at  
Rs.2450/- on 1-3-1988 which would be equal to his junior  
Mr. Bhartiya by stepping up and granting one increment  
from 1-1-1989.

2. The case of the applicant is that he was senior  
to Mr. B.N. Bhartiya in the cadre of Clerk, Senior Clerk,  
Head Clerk and <sup>/Assistant</sup> Superintendent. Mr. BN Bhartiya was, however,  
promoted as Superintendent w.e.f. 11-4-1983 while the  
applicant was promoted as Office Superintendent w.e.f.

1-1-1988. The applicant has claimed that he should be granted pay of Rs.2450/- w.e.f. 1-8-1988. He claims that he should have been at the level of Rs.2525/- at the time of his retirement on 31-7-1989.


3. We have heard learned counsel for the applicant, Sri H.S. Kulshreshtra and Sri Prashant Mathur, counsel for the respondents and perused the record.


4. The applicant had filed O.A. No.673/1991 seeking direction to the respondents to grant promotion to the post of Senior Clerk, Head Clerk and Assistant Superintendent in the respondents' Office, regularisation of his period of suspension from 23-6-1977 to 2-11-1980 and payment of pension, gratuity and provident fund etc. A single Member Bench of the Tribunal considered the prayer of the applicant and after hearing the OA gave a direction to the respondents to pay pension, gratuity, funds etc. and regularisation of the period of suspension of the applicant with consequential benefits by order dated 18-3-1993. The respondents by the order dated 4-8-1993 treated the period of suspension i.e. 23-6-1977 to 2-11-1980 as duty, fixed his pay as Senior Clerk granting special pay @Rs.35/- p.m. w.e.f. 20-3-1981, Head Clerk w.e.f. 1-8-1988. The applicant has now claimed that he is entitled to fixation of pay on next below rule as he was senior to Shri Bhartiya who was given a higher level of pay in the grade of Office Superintendent. He claims entitlement to stepping up of pay.

5. We find that the applicant was promoted to the post of Superintendent after promotion of Sri B.N. Bhartiya whom he claims to be his junior. The applicant has not got



the date of promotion to the post of Superintendent changed. Therefore, the conditions laid down in Rule 2018 are not fulfilled for upgradation of the applicant's pay to the level of his juniors. The application is, therefore, dismissed as lacking in merit. There shall be no order as to costs.

  
Member (J)

  
Member (A)

Dube/