

OPEN COURT

Central Administrative Tribunal
Allahabad Bench Allahabad.

Original Application No.1508 of 1998.

Allahabad this the 28th day of May 2003.

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr. S.K. Agrawal, A.M.

P.D. Awasthi
J.W.M.
Ordnance Factory Muradnagar
District Ghaziabad.

.....Applicant.

(By Advocate : Sri Arun Kumar)

Versus.

1. Union of India
Through the Secretary
Ministry of Defence
Govt. of India, Sena Bhawan
New Delhi.
2. The Chairman
Ordnance Factory Board
10-A, Shaheed Khudi Ram Bose Marg
Calcutta.
3. The General Manager
Ordnance Factory Muradnagar
District Ghaziabad.
4. Shri K.G. Bahri
J.W.M
O.C.F. Chandigarh.

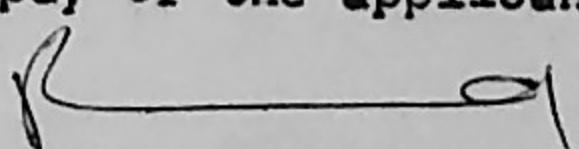
.....Respondents.

(By Advocate: Km. S Srivastava)

O_R_D_E_R

(HON'BLE MR.JUSTICE R.R.K. TRIVEDI, V.C.)

By this O.A. filed under section 19 of Administrative Tribunals Act 1985, the applicant has prayed for direction to respondents to fix the pay of the applicant at Rs.2975/- per month w.e.f. 27.01.1987 at par with his colleague Mr.K.G. Bahri. He has further prayed for direction to respondents to fix the pay of the applicant at



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Rs. 2975/- per month w.e.f. 27.01.1987 at par with his junior Sri G.K. Garg. The applicant has further prayed for consequential benefits.

2. The facts of the case are that one Sri G.K. Garg Foreman (Technical) was though junior to the applicant was receiving higher pay than applicant on account of which the applicant prayed for stepping up of his pay w.e.f. 27.01.1987. The prayer of the applicant was rejected by order dated 27.10.1999 (Annexure P-7) on the ground that the benefit was granted to Sri G.K. Garg under Court's order and not under general rules. One Sri K.G. Bahri another Foreman (Technical) claimed ~~the~~ stepping up of his pay on the ground that Sri G.K. Garg was being paid higher pay though he was junior to him. Sri K.G. Bahri was allowed ~~the~~ stepping up and his pay was fixed at par with G.K. Garg w.e.f.

27.01.1987. As K.G. Bahri was also junior to the applicant, ~~the~~ again moved an application claiming ~~not~~ par with that ~~the~~ stepping up of pay of G.K. Garg and K.G. Bahri who were junior to the applicant, however, this claim was also rejected. It is admitted position that K.G. Bahri was granted stepping up on the ground that Sri G.K. Garg was being paid higher pay though he was junior to K.G. Bahri. The similar claim of the applicant was rejected on the ground that Sri G.K. Garg was paid higher amount of pay under court's order. Thus the ~~treatment~~ given to the applicant was discriminatory and he was denied genuine claim in arbitrary manner. Once stepping up was allowed to Sri K.G. Bahri it could not be denied in any manner to the applicant.

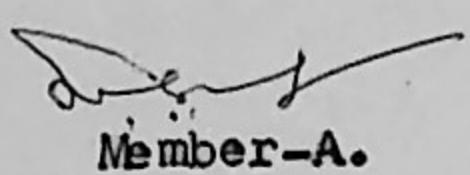
3. Km. S. Srivastava learned counsel for the respondents, on the other hand submitted that order was issued for recovery of amount to Sri K.G. Bahri, however, on record we do not find any material that amount already paid to Sri K.G. Bahri was recovered at any point of time. In the circumstances the applicant is entitled for the relief. Atleast from the date he ~~has been~~ filed this O.A. in this Tribunal, on 2.09.1998.

4. The second relief of the applicant, which was ~~in way of~~ added ~~by amendment~~ against the order dated 27.10.1999. The applicant has prayed that respondents may be directed not to recover any amount. It may be mentioned here that with regard to this recovery order was already passed against the applicant on 28.09.1991 (Annexure P-2) which stated that applicant was illegally allowed ~~to~~ stepping up to Rs.3050/- per month w.e.f. 01.01.1988 at par with Sri B.B. Singh and applicant had full knowledge of this order as clear from paragraph Nos.4.f and 4.G of the original application. The applicant never challenged the order dated 28.09.1991. The order dated 27.10.1999 ~~was~~ only reminded the Concerned Authorities about the earlier position. In the circumstances the applicant is not entitled for any relief. So far as recovery part is concerned which was ~~filed~~ in pursuance of order dated 28.09.1991.

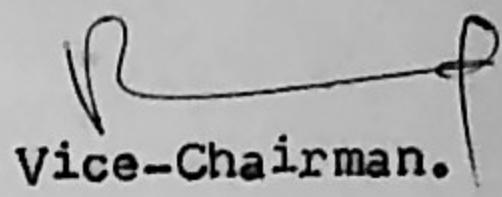
5. For the reasons stated above, the O.A. is allowed in part. The respondents are directed to ~~to applicant~~ grant the stepping up at par with Sri K.G. Bahri with effect from the date of filing of this O.A. i.e., 29.09.1998. However, the relief against the recovery of amount in pursuance of order dated 28.09.1991 is rejected.

This order shall be complied with within 4 months from the date, a copy of the order is filed.

6. There will be no order as to costs.



Member-A.



Vice-Chairman.

Manish/-