

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

....

Original Application No. 1001 of 1998

this the 17th day of March 2004.

HON'BLE MR. JUSTICE S.R. SINGH, V.C.
HON'BLE MR. D.R. TIWARI, MEMBER (A)

Durga Singh, aged about 58 years, S/o late Sri Kalika Singh, R/o Quarter No. 515-E, Diesel Loco Motive Works Colony, Varanasi.

Applicant.

By Advocate : Sri R. Verma.

Versus.

1. Union of India through the General Manager, Diesel Loco Motive Works, Varanasi.
2. The Deputy Chief personnel officer, Diesel Loco Motive Works, Varanasi.

Respondents.

By Advocate : Sri K.P. Singh.

ORDER

PER JUSTICE S.R. SINGH, V.C.

Heard the learned counsel for the parties and perused the pleadings.

2. The applicant, herein, is aggrieved by the order dated 23.1/2.98, annexed as Annexure A-1, whereby applicant's claim for stepping up of his pay at par with Sri Sardara Singh has been rejected.

3. The applicant was appointed as Skilled Welder Gr.III on 12.6.64 and promoted to Highly Skilled Welder Gr.II on 16.9.1965. The applicant was further promoted as Highly Skilled welder Gr.I in pay-scale of Rs.380-560 w.e.f. 22.6.77 in which his pay was fixed at Rs. 392/- p.m. Sardara Singh, on the other hand, was initially appointed as Highly Skilled Fitter Gr.I. on

Raj

ad hoc basis on 4.2.1970 and was regularised on the said post w.e.f. 1.6.1978 in the pay scale of Rs.380-560/- in which his pay was fixed at Rs. 452/- p.m. The case of the applicant is that, ~~albiet~~ ^{yet} the applicant and Sardara Singh both belong to same cadre in the identical pay-scale of Rs.380-560/- ^{yet} the pay of Sardara Singh was fixed at Rs. 452/-, while the pay of the applicant was fixed at Rs.392/- even though Sardara Singh was junior to the applicant. The learned counsel for the applicant has submitted that in view of para 1316 corresponding to FR 22(c), applicant is entitled to get his pay stepped up at par with that of Sardara Singh because both of them belong to the same cadre.

4. Sri K.P. Singh, learned counsel for the respondents has submitted that Sardara Singh belonged to the cadre different from one to which the applicant belongs and, therefore, the provisions contained in para 1316 corresponding to FR-22(C) will have no application.

5. We have ^{considered} ~~read~~ the submissions made by the learned counsel for the parties.

6. The order by which the applicant's representation dated 22.12.1997 has been rejected reads as under :

"विषय : वेतन का बढ़ोत्तरी/स्टेपिंग अप एवं बकाया वेतन का भुगतान ।"

आपका दिनांक 22-12-97 में उठाये गये मुद्दों को ध्यानपूर्वक निरीक्षण किया गया और यह सूचित किया जाता है कि स्टेपिंग अप समान पद वेतनमान एवं एक ही वरीयता सूची में होने वाले वरिष्ठ कर्मचारी का कनिष्ठ कर्मचारी के वेतन से किया जाता है । चूंकि सरदार सिंह, मास्टर क्राफ्ट मैन वे0मा0रू0 4500-7000 आर0एस0 आर0पी0 में कार्यरत है तथा मास्टर क्राफ्ट मैन की वरीयता सूची में उनका नाम है अतः स्टेपिंग अप का प्रश्न ही नहीं उठता है ।"



7. Para 1316 of I.R.E.M. Vol.II correspondence to FR 22(C) which provides for stepping up of pay on fulfilment of certain conditions. Sub-para 9(ii) of para 1316 of the manual provides that stepping up should be done w.e.f. the date of promotion or appointment of the junior employee and will be subject to the following conditions:

"(a) Both the junior and senior employees should belong to the same cadre and the posts in which they have been promoted or appointed should be identical and in the same cadre;

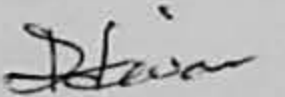
(b) The scales of pay of the lower and higher posts in which they are entitled to draw pay should be identical; and

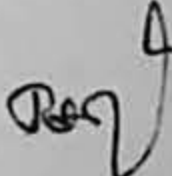
(c) the anomaly should be directly as a result of the application of Rule 1316 (F.R. 22-C). For example, if even in the lower post the junior employee draws from time to time a higher rate of pay than the senior by virtue of fixation of pay under the normal rules, say due to grant of advance increments or due to accelerated promotion etc., the provisions contained in this letter will not be invoked to step up the pay of the senior employee."

8. In para 12 of the Counter, it is averred that Sardara Singh was promoted as Highly Skilled Gr.I w.e.f. 4.2.70 in the Engine Division, which was a different seniority unit, while the applicant at that point of time was in Vehicle Division, which was different seniority unit of Engine Division as Welder Gr.II. It is averred that the applicant and Sardara Singh were working in the different seniority units and, therefore, it cannot be said that Sardara Singh was junior to the applicant. It is, however, conceded in para 12 of the Counter that in 1972 various seniority units were merged and integrated into a common seniority unit. The learned counsel for the applicant has placed

reliance upon the seniority list annexed with the Supplementary affidavit ⁱⁿ support of his contention that both applicant and Sardara Singh belong to same and one cadre and that Sardara Singh being junior to the applicant, ^{the applicant} ~~therefore~~ ^{is} entitled to get his pay stepped up ^{at par} with that of Sardara Singh. perusal of the impugned order would indicate that the competent authority did not address itself ^{to} the issues which are agitated before us and the legal position is well settled ^{is} that when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise (Mohinder Singh Gill & Another Vs. Chief Election Commissioner, New Delhi & Others A.I.R. 1978 SC 851). We are, therefore, of the view that the matter needs to be remanded back to the competent authority for decision afresh in accordance with law and after examining the ~~relevant~~ ^{relevant} question ^{for} deciding the claim for stepping up of pay at par with that Sri Sardara Singh.

9. Accordingly, O.A. succeeds and is allowed. The impugned order dated 23.1/2.1998 (Annexure A-1) is set-aside. The competent authority is directed to reconsider the applicant's claim for stepping up of his pay in accordance with law. The aforesaid directions shall be complied with within a period of three months from the date of receipt of copy of this order. parties are directed to bear their own costs.


Member (A)


Vice-Chairman

GIRISH/-