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**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No.5129/2021
(S.W.P. No.208/2010)

Friday, this the 28th day of May, 2021

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Tarun Shridhar, Member (A)

Bansi Lal, age 64 years
s/o Sh. Faquir Chand
r/o Battal Ballian
Tehsil & District Udhampur

... Applicant

(Mr. Anil Khajuria, Advocate)

Versus

1. The State of Jammu & Kashmir through its
Principal Secretary to Govt.
Power Development Department, Srinagar
2. The Chief Engineer
Maintenance and Rural Electrification Wing
Jammu
3. The Executive Engineer
Electric Maintenance and Rural Electrification
Division, Udhampur

... Respondents

(Mr. Rajesh Thappa, Deputy Advocate General)

O R D E R (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant was working as Technician III in the Power Development Department of Jammu & Kashmir. He retired from service in the year 2004. Just before his retirement, he

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made a claim that his junior, by name Yashpal, has drawn higher pay than him and accordingly, the discrepancies need to be corrected. The Executive Engineer of the Department addressed a letter dated 28.07.2003 in this behalf. Before any steps could be taken, the applicant retired from service. He filed SWP No.208/2010 before the Hon'ble High Court of Jammu & Kashmir, with a prayer to direct the respondents to remove the anomaly and step up his pay, to be on par with that of his junior. Reliance is placed upon paragraph 311 of SRO No.311 dated 09.09.1999.

2. The SWP has since been transferred to the Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.5129/2021.

3. Today, we heard Mr. Anil Khajuria, learned counsel for applicant and Mr. Rajesh Thappa, learned Deputy Advocate General.

4. The principle of 'stepping up of pay' of a senior, to be on par with that of his junior, is not an absolute one. Much would depend upon the circumstances under which the junior is drawing higher scale of pay than the senior. It is only when the anomaly is referable to the factors, which are not in the control

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of the senior, that the discrepancies need to be corrected, that too, at the relevant point of time.

5. Even, according to the applicant, the discrepancies occurred in the year 1995. There again, the only mention is that the applicant was drawing the pay of Rs.950/- from 20.07.1995, whereas his junior was drawing it w.e.f. 01.01.1995. In both the cases, it was due to grant of first and second *in situ* promotions. The order is silent as to the amount of pay that the applicant was drawing as on 01.01.1995. At the most, only 100 rupees could have been the difference for a period of six months. The applicant has his own interpretation of the matter. He contends that had he been extended the benefit of higher pay w.e.f. 01.01.1995, he would have got one more increment or step up, which, in turn, would have an impact on his pension also. It is all imaginary.

6. We do not find any merit in the T.A. It is accordingly dismissed. There shall be no order as to costs.

(Tarun Shridhar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

May 28, 2021
/sunil/rk/ankit/sd/