

CENTRAL ADMINISTRATIVE TRIBUNAL, ALIAHABAD BENCH.

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Registration T.A. No. 872 of 1986
(C.A. No. 390 of 1983)

Mohinder Singh Plaintiff/
Applicant.

Versus

Union of India
and others Respondents.
Defendants.

Hon. Mr. A.B. Gorthi, Member (A)
Hon. Mr. S.N. Prasad, Member (J)

(By Hon'ble Mr. A.B. Gorthi, Member (A))

Aggrieved by the order of the defendants fixing his pay improperly at Rs. 425/- per month while juniors to him were drawing Rs. 470/- per month, Sri Mohinder Singh, the plaintiff filed suit No. 400 of 1982 in the court of Munsif City Kanpur. His suit was dismissed and an appeal filed by him having been transferred to the Tribunal is listed before us as T.A. No. 872 of 1986.

2. The plaintiff claims that having completed the entire training successfully, he was appointed as Grinder Grade-A w.e.f. 5.3.1967 in the pay scale of Rs. 125-155, whereas, he should have been promoted as Special Grade Grinder in the pay scale of Rs. 140-180 w.e.f. that date. Number of representations were made by him but without any success. On 8.3.1978, he qualified in the departmental examination and was promoted as Special Grade Grinder w.e.f. 1.3.1978. Latter on 30.9.1979 his request was considered and allowed and he was accordingly granted notional seniority w.e.f. 5.3.1967 as Special Grade Grinder without, however conferring any monetary benefits. The plaintiff was promoted as Highly Skilled w.e.f. 31.8.1979 and as Chargman Grade-II on 14.8.1980 in the pay scale of Rs. 425-700. The main grievance of the plaintiff is that some of his juniors who were also promoted as Chargeman Grade-II

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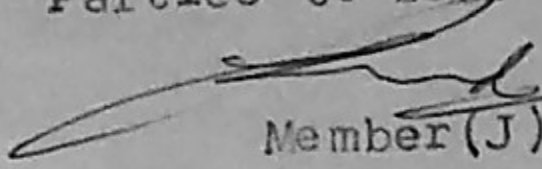
w.e.f. the same date, i.e., 14.8.1980 have been granted the initial~~ly~~ pay of Rs. 470 in the pay scale of Rs. 425-700. He accordingly, claimed that his pay also should have been fixed as Rs. 470 on his promotion as Chargeman Grade-II.

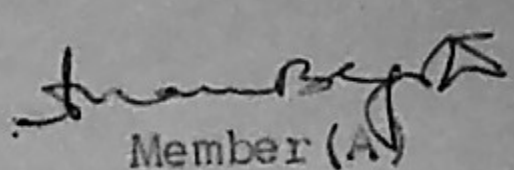
3. The defendants refute the claim of the plaintiff mainly on the ground that it was on the request of the plaintiff himself, his seniority on notional basis was fixed w.e.f. 5.3.1967 as Special Grade Grinder since the seniority was granted to him without the consequential monetary benefits, his pay was less than that of his juniors.

4. We have heard the learned counsel for both the parties and perused the record. The facts in this case remain undisputed. The plaintiff was given notional seniority as Special Grade Grinder w.e.f. 5.3.1967. His subsequent promotions, it seems, too have been granted on the due dates. There does not seem to be anything adverse against the plaintiff. In these circumstances, on his promotion as Chargeman Grade-II on 14.8.1980, his pay/ should have been fixed at the same level as that of his juniors promoted on the same date. This was not done because his earlier promotion as Special Grade Grinder was given notionally. In service Jurisprudence, it is contrary to the basic concept of seniority that a senior should be given pay which is less than that of his juniors, when nothing adverse against the senior, is on record. We, therefore, find that the plaintiff's claim is reasonable and should be allowed. We, therefore, allow~~ed~~ this appeal and set aside the impugned judgment and decree passed by the Trial Court. The defendants are directed to fix the pay of the plaintiff at Rs. 470/- per month w.e.f. 14.8.1980 and grant him all the consequential benefits. The suit No. 400 of 1982 is decreed accordingly.

- 3 -

The ^{appeal} ~~application~~ is disposed of with the above terms.
Parties to bear their own costs.


Member (J)


Member (A)

Dated: 3.2.1992

(n.u.)