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CENTRAL ADMINISTRATIVE TRIBUNAL ALIAHABAD BENCH,
A L L A H A B A D

Dated : Allahabad this the 5th December, 1996.

Hon'ble Mr. S. Das Gupta, Member-(A)
Coram : Hon'ble Mr. T. L. Verma, Member-(J)

Original Application No. 923 of 1990

Brahma Dutt Tiwari son of late
Sukh Ram Tiwari, aged about 53 years, r/o.
village Naubasta, Post Parsipur, District
Pratapgarh.Applicant.

(C/A Sri O. P. Gupta, Advocate)

Versus

1. Superintendent, Central Telegraph Office,
Allahabad.
 2. Director, Telegraph (East), Varanasi
 3. Union of India, through Secretary, Ministry
of Communication, Government of India,
New Delhi.
-Respondents.

(C/R Sri N. B. Singh)

O R D E R (oral)

(By Hon. Mr. S. Das Gupta, Member-A)

This application under Section 19 of the
Administrative Tribunals Act, 1985 has been filed
seeking a direction to fix the pay of the applicant

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at Rs. 1050/- in place of Rs. 990/- as on 8.10.1986 with reference to his juniors' pay which was also fixed at Rs.1050/-. He has also prayed for grant of arrears of pay and other allowances which increased due to enhancement of aforesaid pay.

2. The case set up by the applicant in this O.A. is that Sri R. P. Tiwari has been junior to the applicant and both of them got promotion to the post of Overseer on 8.10.1986 on which date the pay of Sri R. P. Tiwari was fixed at Rs.1050/- whereas the pay of the applicant was fixed at Rs.990/- without any reason. He submitted several representations but these were finally rejected. Hence this application.

3. The respondents have stated in the counter-affidavit that the aforesaid R. P. Tiwari was promoted in 1974 against 20% quota for time bound promotion whereas the applicant was not so promoted in view of the adverse remarks in the A.C.R. He was actually promoted in 1983 and therefore, he was getting much less pay than Sri R. P. Tiwari at the time of his promotion to the post of Overseer and hence the lower fixation of his pay.

4. The applicant in his Rejoinder-Affidavit has stated that he was wrongly ignored in 1974

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when Sri R. P. Tiwari was promoted against 20% quota and therefore, his pay should be fixed by stepping up with reference to the pay of Sri R.P. Tiwari.

5. We have heard the learned counsel for both the parties and perused the record carefully.

6. The fixation of pay of the applicant at a lower stage than Sri R. P. Tiwari is a result of his subsequent promotion to higher scale against 20% quota for time bound promotion. The supercession of the applicant in that promotion is not under challenge before us. The fact remains that he was promoted ~~in 1983~~ in 1983 whereas Sri R. P. Tiwari was promoted in 1987. This resulted the difference in ~~the~~ fixation of pay. As such, the same cannot be ~~bridged~~ ^{bridged} by way of stepping up of pay.

7. We find no merit in this application and dismiss the same leaving the parties to bear their own cost.

Sd/-
Member-J

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Member-A

(pandey)