

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

O.A.No.451 of 1992

Hari Pratap Singh

....Applicant

versus

Union of India & others.Respondants.

Hon. Mr. Justice U.C.Srivastava, V.C.

Hon. Mr.V.K.Seth, A.M.

(By Hon.Mr.Justice U.C.Srivastava, V.C.)

The applicant was promoted on the post of Upper Division Clerk in the month of July, 1960 and he was confirmed on the said post on 1.4.1966. There after the applicant was promoted on the post of Superintendent on 16.9.1983 on ad-hoc basis and was regularised on the said post on 29.8.1986. The applicant was retired from the service from the post of Superintendent on 31.1.1991. Prior to the promotion on the post of superintendent, the pay of the applicant was fixed at the stage of Rs.560/- and after promotion the pay of the applicant was fixed at the stage of Rs.595/-. Thereafter the applicant's pay was revised from 1.1.1986 and was fixed at the stage of Rs.1850/-. The promotion to the post of Superintendent was on the basis of the seniority-cum-suitability. One Sri S.N.Prasad who was at that time his junior was promoted as UDC on 2.4.1962 and was confirmed as upper division clerk with effect from 11.4.1969.

W
He was promoted/purely on temporary and adhoc basis to the post of superintendent on 1.3.1979 and was allowed to work up to 8.4.1979. Thereafter he was reverted to the post of Upper Division Clerk and again he was given another chance

and he was allowed to work again with effect from 3.10.1979 to 15.9.1983 and again he was reverted to the post of UDC. Sri S.N.Prasad was again promoted to the post of Superintendent on adhoc basis on 12.12.1983 and since then he is still continuing to work. Prior to the promotion on adhoc basis to the post of Supdt. on 12.12.83, the pay of Sri Prasad was fixed at the stage of Rs.500/- and after getting promotion the pay was increased and fixed at the stage of Rs.630/-. Thereafter from 1.1.86 the pay of Sri S.N.Prasad was revised and fixed at the stage of Rs.2000/-. The applicant adhoc was eligible for promotion to the post of supdt. at Ranchi(Bihar) but he was not promoted because at the relevant time the applicant was working as U.D.C. in Ujjain and that is why he was not given promotion. The applicant was subsequently promoted as superintendent in the year 1983 and he ^{was} continued to hold the post and was retired from the post of superintendent- Sri S.N.Prasad was also promoted in 1983 and he is still continuing to hold the post of superintendent. According to the applicant he was reverted to the post of U.D.C. and the senior person may not ^{be} allow ~~to~~ to draw lesser pay than that of Sri S.N.Prasad who ^{was} junior to the applicant. He has no other legal remedy except to approach this tribunal. The has claimed the benefit covered under rule-22C of Fundamental Rules and the applicant is entitled for stepping up of his pay equal to his junior who ^{was} getting higher pay.

:3:

2. The respondents have tried to explain his position. It is stated that the stepping-up of pay of senior officer equivalent to that of junior officer is subject to the conditions enumerated in F.R.22-C(8)(a)(C) which reads as follows:

(c) "The anomaly should be directly as a result of the application of F.R.22-C. For Example, if even in the lower post the junior officer draws from time to time higher rate of pay than the senior by virtue of grant of advance increment, the above provisions will not be invoked to step-up the pay of the senior officer."

As a matter of fact, it is not applicable to the facts of the present case. F.R.22-C-10 is fully applicable in this case. As the junior was given adoc promotion and upgradation to the subsequent post of superintendent and it shall be deemed to be regular promotion therefore, he earned the benefits of increments and he was getting higher pay and the senior was getting lesser pay. Therefore, the applicant is entitled to stepping-up of his pay to the extent of his junior. The pay given to the pay of the applicant as per his junior

Shri S.N.Prasad and. Respondants are further directed to pay the arrears for the difference of pay to the applicant w.e.f.12.12.83 onwards along with the consequential benefits. The entire amount will be paid within the period of three months from the date of the communication of this order. No order as to the cost.

MEMBER (A)
(Is) Dated: 12.4.93

VICE CHAIRMAN