

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

Dated: Allahabad, the 17th day of July, 2001.

Coram: Hon'ble Mr. Rafiq Uddin, J.M.

Hon'ble Maj. Gen. K.K. Srivastava, A.M.

Original Application No.1455 of 1994

Jagdish Sahai Agrawal,  
son of late Panna Lal,  
resident of Baruwa Nagar,  
Jhansi.

By Advocate: Sri V.K. Srivastava . . . . . Applicant

Versus

1. The Union of India, through  
the Secretary, Ministry of Railways,  
New Delhi.
2. The General Manager,  
Central Railways, Bombay V. T.
3. The Chief Personnel Officer (Mech),  
Central Railways, Bombay V. T.
4. The Principal Adviser & Chief Accounts Officer,  
Central Railways, Bombay V.T.

. . . . . Respondents

By Advocate: Sri G.P. Agrawal

O R D E R (ORAL)

(By Hon'ble Mr. Rafiq Uddin, JM)

The applicant Jagdish Sahai Agrawal/retired  
on 30.11.1990 as Shop Superintendent, Central Railways,  
Jhansi, has approached this Tribunal for issuing

Contd..2

directions to the respondents to pay arrears of salary and pensionary benefits to him after pay considering his at Rs.3125/- with effect from 1.1.1987, which is equal to his juniors in the pay-scale of Rs. 2375- 3500/-.

2. In brief, the case of the applicant is that he was senior to one Sri Deep Chand, who was drawing pay Rs.3125/- in the pay-scale of Rs. 2375- 3500/- with effect from 1.1.1987, whereas the pay of the applicant was fixed at Rs.2975/-, i.e. less than the pay of Sri Deep Chand.

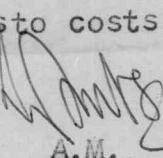
3. We have heard the arguments of Sri V.K. Srivastava for the applicant and Sri G.P. Agarwal for the respondents.

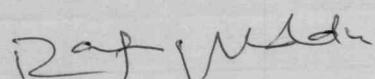
4. It has been contended by the learned counsel for the applicant that Dy. C.P.O. (HQ) Personnel Branch, Central Railways, vide his letter dated 30.7.91 (Annexure No.4) addressed to the Chief Workshop Manager, Jhansi, clearly issued directions to consider the case of the applicant, setting aside the anomaly and the applicant be given the benefit of stepping up of pay equal to to the pay of Sri Deep Chand, who was junior to the applicant. However, we find from the explanation submitted by the respondents vide Para- 4 of the CA that the matter was re-examined and the claim of the applicant was rejected on the advice of FA & CO, vide his letter dated 16.11.94 on the ground that

the applicant was not senior to Sri Deep Chand. It is stated that the aforesaid Sri Deep Chand being a ~~S~~cheduled Caste candidate got promotion on higher post, when the applicant was away on deputation with R.D.S.O. Consequently, the pay of Sri Deep Chand was fixed at higher scale and the applicant has no case, seeking parity with Sri Deep Chand in respect of fixation of pay.

We also ~~do~~ agree on this point because the applicant has not denied promotion granted to Sri Deep Chand on account of his being a ~~S~~cheduled Caste candidate. We, therefore, do not find any merit in the claim of the applicant for stepping up of his pay equal to the pay of Sri Deep Chand.

5. We also find that the claim of the applicant is time barred ~~also~~, because the applicant has claimed stepping up of his pay with effect from 1.1.1987, whereas the applicant has filed the present O.A. in the year 1993 after 4 years of his retirement. The Application is also liable to be dismissed on account of latches and delay. Hence, the Original Application is dismissed. No order as to costs.

  
A.M.

  
J.M.

Nath/