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Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD**

Original Application No.302 of 2007.

Allahabad, this the 27th day of August, 2008.

Hon'ble Mr. A.K. Gaur, J.M.

Hon'ble Mrs. Manjulika Gautam, A.M.

1. Chintamani Yadav, Aged about 48 years, S/o Sri Sharda Prasad, Working as Senior Clerk under the respondent no.3, R/o 533-A Ghanshyam Nagar, Railway Colony, Allahabad.
2. Rajendra Singh, Aged about 52 years, S/o Sri Jang Bahadur Singh, Working as Senior Clerk under the respondent no.3, R/o 204-B CSP Railway Colony, Subedarganj, Post Doomanganj, District Allahabad.

.....Applicants.

By Advocate : Sri L.M. Singh.

Versus

1. Union of India through G.M. N.C.R., Allahabad.
2. Deputy Chief Personnel Officer/N.G. Office of G.M., N.C.R., Allahabad.
3. Deputy Chief Engineer/TMC CPOH Workshop, Subedarganj, Allahabad.
4. Sri Suresh Chandra Pal, S/o Sri Binda Prasad Pal, R/o 12/4 Kamla Nehru Road, K.P. Compound, Allahabad.

.....Respondents.

By Advocate : Shri S.K. Anwar.

ORDER

BY A.K. GAUR, MEMBER-J

Through this O.A., the applicant has prayed for a direction to the respondents to fix the salary of the applicant equal to the respondent no.4.

2. According to the applicant, on passing suitability test, the applicants as well as respondent no.4 were promoted as Senior Clerk in the pay scale of Rs. 4500-7000/- vide office order dated

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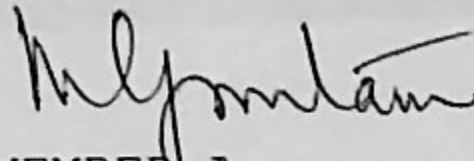
9.12.2005. According to the learned counsel for the applicant, the applicant was promoted on 1.11.2004. Being aggrieved, the applicant submitted a representation with the request to fix their pay scale in accordance with next below rules to meet out the alimony, but the respondents did not pay any heed to the request of the applicants. The applicants again submitted a detailed representation on 15.2.2007 with request to grant the same pay scale as is being given junior to them under the next below rule with all consequential benefits, but the same has also yielded no result. The learned counsel for the applicants invited our attention to Annexure RA-6 page 13 of the Rejoinder Affidavit wherein according to the applicants, order dated 1.11.2006 was never communicated to them and in similar circumstances Sri Ram Abhilash, Satyendra Bahadur Singh, Ram Ji and Umendra Singh were promoted as Fitter Gr. III on adhoc basis vide promotion order dated 12.2.1989. All those seniors made a representation before the respondent no.3 and after considering the claim of those persons, the respondents granted them the benefit of stepping of pay and made payment of the ^{of} ~~deference~~ ^{of} arrears after getting it sanctioned by the competent authority vide office orders dated 26.3.2004, 8.4.2004 and 5.11.2004. The applicants' counsel contends that directions be issued to the respondents to consider the case of the applicants also in view of promotion and arrears granted to aforesaid persons. The learned counsel for the respondents, on the other hand, submitted that the applicant was never held to be senior from the respondent no.4. Further, it is noticed that the respondent no.4 has not filed any Counter Affidavit.

4. Having heard the parties' counsel, I am of the view that this O.A. can be disposed of at this stage with liberty to the applicant to make a fresh

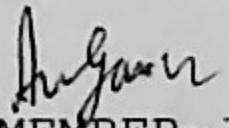
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comprehensive representation detailing all the facts and circumstances of the case to the competent authority within a period of ten days from the date of receipt of copy of this order and on receipt of the same, the competent authority shall consider and decide the same in accordance with law by passing a reasoned and speaking order within a period of three months from the date of receipt of such representation.

5. The O.A. stands disposed of in the above terms with no order as to costs.


MEMBER-A

GIRISH/-


MEMBER-J