

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

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O.A. No. 209 of 1990
~~TAX No.~~

DATE OF DECISION 25.2.1992

Shri C.H. Tamboli Petitioner

Shri R.S. Dinkar Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Shri B.B. Naik Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.Y. Priolkar : Member (A)

The Hon'ble Mr. R.C. Bhatt : Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

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(S)

Shri C.H. Tamboli,
Superintendent,
Central Excise (Technical),
Head Quarters,
Navrangpura,
Ahmedabad-380 009.

.. Applicant

Vs.

1. Union of India, through
The Secretary,
Ministry of Finance,
(Dept. of Revenue),
North Block,
New Delhi.
2. Chairman,
Central Board of Excise & Customs,
North Block,
New Delhi.
3. Collector of Central Excise -
& Customs,
'Custom House, Navrangpura,
Ahmedabad.

.. Respondents

O.A. No. 209 of 1990

O R A L - O R D E R

Date : 25.2.1992

Per : Hon'ble Mr. M.Y. Priolkar .. Member (A)

The applicant who was initially appointed as Sub Inspector of Central Excise in 1958 was promoted to the post of Superintendent of Central Excise by order dated 18.5.1989 after some intervening promotions as Inspector and Inspector (S.G.). He has the grievance that on promotion to the post of Superintendent, his pay has been fixed lower than that of his junior, one Shri D.K. Chavda. The applicant's prayer in this application is for stepping up his pay to that drawn by junior Shri D.K. Chavda in the post of Superintendent of Central


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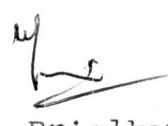
Excise.

2. It is not in dispute that the applicant was senior to Shri D.K. Chavda as Inspector since the applicant was promoted as Inspector on 29.7.1970 whereas Shri D.K. Chavda was promoted as Inspector on 26.8.1972. However as stated by the applicant Shri Chavda being a member of the Scheduled Caste was given accelerated promotion as Inspector (Selection Grade) in the year 1983 whereas the applicant was promoted as Inspector (Selection Grade) only in the year 1985. Evidently on his accelerated promotion Shri D.K. Chavda started drawing higher pay than the applicant in the post of Inspector (Selection Grade). Subsequently, as a result of the recommendation of the Fourth Pay Commission, the selection Grade of Inspector of Central Excise came to be abolished and again, thereafter, both the applicant and Mr. Chavda were reverted as Inspector. But though the applicant was senior to Mr. Chavda as Inspector, he continued to draw lower pay than that of Mr. Chavda, since the benefit of higher pay which Mr. Chavda got as a result of his earlier promotion as Inspector (Selection Grade) could not be wiped out even after his reversion as Inspector. Both, the applicant and Mr. Chavda, were promoted as Superintendent of Central Excise by the same order dated 18.5.1989, wherein the applicant is shown senior to Mr. D.K. Chavda.

being in the category of Schedule Caste Employee. Evidently, the essential condition for stepping up of pay at (C) above, viz., that the anomaly should be directly as a result of the application of F.R. 22 (C) is not fulfilled in this case. The present anomaly, if at all, has resulted due to accelerated promotion as Inspector (Selection Grade) to which Schedule Caste Employees were entitled and had arisen in the year 1983, and continued even after both Shri Chavda and the applicant reverted as Inspectors. At the time of their promotion as Superintendents, Shri Chavda was drawing higher pay in the post of Inspector than the applicant, though the applicant was senior to Shri Chavda in the grade of Inspector, from which both were promoted as Superintendent. Thus, since in the lower post, the junior officer was drawing a higher rate of pay than the applicant by virtue of accelerated promotion earlier as Inspector (Selection Grade), we have to hold that the applicant is not entitled to stepping up of his pay to the level drawn by his junior Shri Chavda.

5. We do not therefore see any merits in any of the contentions raised on behalf of the applicant. This original application is rejected therefore with no order as to costs.


(R.C. Bhatt)
Member (J)


(M.Y. Priolkar)
Member (A)