

IN THE CENTRAL ADMINISTRATIVE TRIAUNAL  
AHMEDABAD BENCH

O.A. No. 437 OF 1990.  
KAKDIA

DATE OF DECISION 15-6-1992.

Shri G.M. Popat, Petitioner

Mr. K.K. Shah, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Mr. B.R. Kyada, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C.Bhatt, Judicial Member.

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
2. To be referred to the Reporter or not? ✗
3. Whether their Lordships wish to see the fair copy of the Judgement? ✗
4. Whether it needs to be circulated to other Benches of the Tribunal? ✗

G.M. Popat,  
Assistant Mechanical Engineer,  
Diesel Shed,  
Western Railway,  
Sabarmati, Ahmedabad.

..... Applicant.

(Advocate: Mr. K.K. Shah)

Versus.

1) Union of India,  
(Notice to be served through  
The General Manager,  
Western Railway,  
Churchgate, Bombay.)

2) Chief Mechanical Engineer (E)  
Western Railway,  
Headquarter Office,  
Churchgate, Bombay.

3) Chief Personnel Officer,  
Western Railway, Churchgate,  
Headquarter Office,  
Bombay.

4) Divisional Railway Manager,  
Divisional Office,  
Western Railway,  
Ajmer.

5) Divisional Railway Manager,  
Divisional Office,  
Western Railway, Kothi Compound,  
Rajkot. ....

Respondents.

(Advocate: Mr. B.R. Kyada)

ORAL JUDGMENT

O.A. No. 437 OF 1990

Date: 15-6-1992.

Per: Hon'ble Mr. R.C. Bhatt, Judicial Member.

Heard Mr. K.K. Shah, learned advocate for  
the applicant and Mr. B.R. Kyada, learned advocate  
for the respondents.

2. This application is filed under section 19  
of the Administrative Tribunals Act, 1985 by which

the applicant has prayed to direct the respondents to pay him the salary paid to his junior Shri Grover by stepping up the pay from the date Shri Grover has been given the higher grade. The case of the applicant is that he was appointed in the Railway on 6th August, 1966 and was regularised in the scale of Rs. 550-750 on 5th April, 1974. The combined seniority list of the diesel staff - mechanical department electrical wing is produced at Annexure A in which the applicant's name is at Sr.No.6 while that of Shri Grover is at Sr.No. 10. The case of the applicant is that the junior Mr. Grover if paid higher to the applicant then the applicant being senior should be paid by stepping up. The applicant's further promotion in the grade of Rs.700-900/2000-3200 (RP) was regularised by order dated 4th July, 1987 produced at Annexure A-1 in which also his name is at Sr.No.8 and that of Shri Grover at Sr.No.10, which shows that he was senior to Mr. Grover. The grievance of the applicant is that though he was senior as per Annexure A and subsequently as per Annexure A-1, there was no reason for the respondents to pay less to the applicant. Hence he made representations to the respondents.

3. The applicant's contention is that on 13th June 1985 the A.P.O. (Bills), Churchgate, by his letter produced at Annexure A-2 stated clearly to A.P.O. Ajmer that Shri Grover is junior to the applicant on the panel of AEF(DL) in the scale of Rs. 550-750 and also in scale of Rs. 700-900 and therefore, advised the officer to fix the pay of the applicant in consultation with Account Office and also to advise APO Churchgate office.

Thereafter, the order Annexure A-3 dated 13th July 1987 was passed by the respondents' officer by which the stepping up of the applicant vis-a-viz Mr. Grover was fixed. The applicant contends that inspite of the fact that there is <sup>is</sup> a clear order and inspite of the direction to pay the applicant according to the stepping up the respondents have not paid the amount nor the pay has been fixed. The applicant has also produced at Annexure A-6, the letter dated 9th December, 1988 by which the applicant's pay was to be fixed from 10th November, 1982 and the arrears from 1st December, 1971 and the fixation was to be made immediately as per the said order Annexure A-6. Therefore, according to the applicant, inspite of all these orders the applicant has not been paid as per the order specifically mentioned at Annexure A-3 dated 13th July, 1987 and hence this application.

p/s

4. The respondents have not filed any reply till today. Mr. Kyada, learned advocate for the respondents submitted that the proper direction should be that the respondents may implement the order Annexure A-3, if it applies to the applicant. The learned advocate for the applicant submitted that none of the averments of the applicant made in the application are controverted because till today no reply is filed and there is no reason for the respondents not to implement their own order Annexure A-3 dated 13th July, 1987 which is not revised subsequently or reviewed.

5. In view of the fact that there is a clear order Annexure A-3 dated 13th July, 1987 in favour of the applicant and in view of the fact that the respondents have not filed reply, the applicant is entitled to the stepping up and arrears as per the order Annexure A-3 dated 13th July, 1987. Hence the following order:

O R D E R

the respondents  
Application is allowed to the extent that/  
are directed to implement the order Annexure A-3  
dated 13th July, 1987 within one month from the date  
of the receipt of this order, if that order  
applies to the applicant. No orders as to costs.

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(R.C.Bhatt)  
Member (J)