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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK.

Original Application No.488 of 1990.

Date of decision: July 8, 1991.

Fakir Charan Das ...

Applicant.

Versus

Union of India and others ...

Respondents.

For the applicant...

M/s. Devanand Misra,
Deepak Misra,,
R.N.Naik, A.Deo,
B.S.Tripathy,
P.Panda, Advocates.

For the respondents ...

Mr.Aswini Kumar Misra,
Sr.Standing Counsel (CAT)

C O R A M:

THE HONOURABLE MR.N.SENGUPTA ,MEMBER (JUDICIAL)

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1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? No
3. Whether His Lordship wishes to see the fair copy of the judgment ? Yes.

J U D G M E N T

N.SENGUPTA, MEMBER (J), The applicant has prayed for stepping up his pay as Upper Division Clerk with effect from February, 1980 to bring it at par with that of his junior Shri R.K. Satpathy.

2. The facts of the case lie in a narrow compass and are mostly undisputed. The applicant was appointed as an L.D.C. in the Savings Bank Control Organisation in October, 1977 whereas Shri R.K.Satpathy was appointed in the same such cadre in March, 1978, as/the applicant was senior to Shri Satpathy in the grade of L.D.C. Though Shri Satpathy and

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the applicant were promoted as Upper Division Clerks, Shri Satpathy began officiating from February, 1980 whereas the applicant's services as U.D.C. were regularised in 1983. Shri Satpathy's service as U.D.C. was regularised in 1984. But Shri Satpathy's pay was fixed at a higher ^{stage} than the applicant in the cadre of U.D.Cs.

3. The sole ground of contest by the respondents is that Shri Satpathy under the local arrangement on stop gap basis began to officiate as U.D.C. with effect from 9.12.1980 whereas the applicant started officiating from March, 1981 by which time Shri Satpathy had already earned an increment.

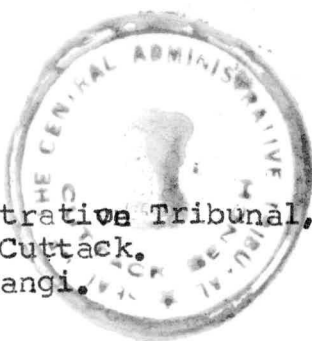
4. None of the counsel for the parties has urged that the applicant was at any time found deficient in his duties nor is there submission or averment that the initial officiating period of Shri Satpathy and the applicant were not on stop gap basis. Officiation on stop gap basis does not clothe a person officiating with a right to claim seniority or any other service benefit to the prejudice of his seniors. In this connection, a reference to AIR 1991 SC 518, Rajbir Singh and others v. Union of India and others may be made.

5. Though the claim for pay may be recurring right, yet for that period for which no claim ~~or~~ was made running of time could not be ^tayed. This application was filed on 14.12.1990, an order for payment of any amount due beyond 1½ years from this date cannot be passed. But admittedly, the applicant made a representation for stepping up of his pay in September, 1989 and it would be

Mr. E. S. 8/7/91

just and proper to allow the stepping up of the applicant's pay with effect from September, 1989 to bring it at par with that of Shri R.K. Satpathy. Other reasons in support of this order can be found from the judgment in O.A. 487 of 1990.

6. The applicant succeeds in part. No costs.



Central Administrative Tribunal,
Cuttack Bench, Cuttack.
July 8, 1991/Sarang.

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Member (Judicial)