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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK

ORIGINAL APPLICATION NO. 508 OF 1994

Cuttack this the 18th day of March /2002

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Applicant (s)

-VERSUS-

Union of India & Others

Respondent (s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? Yes.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? Yes.


(M.R. MOHANTY)
MEMBER (JUDICIAL)


(M.P. SINGH)
MEMBER (ADMINISTRATIVE)

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CORAM:

THE HON'BLE MR.M.P.SINGH, MEMBER (ADMINISTRATIVE)
AND
THE HON'BLE MR.M.R.MOHANTY, MEMBER (JUDICIAL)

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Biswanath Malla,
Postal Assistant, S.B.C.O.,
Jagatsinghpur H.O.
Jagatsinghpur

...

Applicant

By the Advocates

Mr.D.P.Dhalasamant

-VERSUS-

1. Union of India represented through Chief Post Master General, Orissa Circle, Bhubaneswar-751001
2. Chief Post Master General, Orissa Circle, Bhubaneswar-751001
3. Superintendent of Post Offices, Cuttack South Division, Cuttack-753001

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Respondents

By the Advocates

Mr.A.K.Bose, Sr.Standing
Counsel (Central)

ORDER (ORAL)

MR.M.P.SINGH, MEMBER (ADMINISTRATIVE): By this Application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has sought for direction to respondents to step up his pay to the level of his junior.

2. The brief facts of this case are that the applicant joined as L.D.C. in the Postal Department on 23.3.1968 being posted at Phulbani Head Post Office, whereafter he was promoted to the post of U.D.C. under 20% quota vacancy in order dated 20.5.1980 and consequently his pay in the cadre of U.D.C. was fixed at Rs.340/- in the pay scale of Rs.330-10-380-12-500-15-560/- on 20.5.1980. Consequent upon the introduction of TBOP Scheme w.e.f. 1.8.1991, the

applicant was again promoted to L.S.G. cadre from that date and accordingly his pay was fixed at Rs.1600/- in the pay scale of Rs.1400-2300/-. The applicant made a representation on 23.7.1992 to the competent authority for stepping up his pay at par with S/Shri P.K.Mohanty and S.P.Bhera in L.S.G. cadre. These facts are not in controversy.

3. It is the case of the respondents that increased pay drawn by S/Shri P.K.Mohanty being junior to the applicant was due to adhoc officiating service rendered in the higher grade of U.D.C. for some period, earlier than the applicant. As regards Shri S.P.Bhera, junior in L.S.G. cadre, respondents have stated that he was drawing more pay in the lower cadre of U.D.C. as he was promoted to U.D.C. cadre from Postal Assistant. On the submission that the anomaly does not arise from application of D.O.P.T. O.M. No.4/7/92-Estt (Pay-I) dated 4.11.1993 (Annexure-3 to O.A.) with regard to stepping up of pay, the respondents have prayed for dismissal of this Original Application being devoid of merit.

4. Heard Shri D.P.Dhalasamant, the learned counsel for the applicant and Shri A.K.Bose, learned Senior Standing Counsel for the Respondents.

5. The DOPT instruction as referred to above lays down the following three conditions to be satisfied with a view to stepping up pay, are as under:

"(a) both the junior and senior officers should belong to the same cadre and the posts in which they have been promoted or appointed should be identical and in the same cadre.

(b) the scale of pay of the lower and higher posts in which the junior and senior officers are entitled to draw pay should be identical;

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(c) the anomaly should be directly as a result of the application of FR-22-C (Now FR 22(1)(a) (1) (emphasis ours). For example, if even in the lower post the junior officer draws from time to time a higher rate of pay than the senior by virtue of grant of advance increments or on any other account, the above provisions will not be invoked to step up the pay of senior officer".

6. In view of the above provisions of Rule on the subject, we are not convinced that the applicant satisfies the provision(c) of the said Rule in order to get the benefit of stepping up pay. Therefore, we are of the considered view that the applicant has ^{not} _{been} able to make out a case for any of the reliefs prayed. The O.A. being devoid of any merit is dismissed. No costs.

Charanajan Mohanty
(M.R.MOHANTY) 18/03/2002
MEMBER (JUDICIAL)

M.P.Singh
(M.P.SINGH)
MEMBER (ADMINISTRATIVE)

B.K.Sahoo//