

O.A.Nos.125 & 126/2001

Order dated 09.09.2003

Heard Shri P.V.Ramdas, the learned counsel for the applicants and Shri A.K.Bose, learned Senior Standing Counsel appearing on behalf of the Respondents-Department. Since in both the OAs, the cause of action as well as the point for adjudication are one and the same, for the sake of convenience, we direct that this common order will govern both the cases mentioned above.

Applicants (total 13 in number in both the OAs) are Deputy Field Officer(Tech) and Field Officer(Tech) of A.R.C., Charbatia, Cuttack have approached this Tribunal under Section 19 of the A.T.Act, 1985, seeking the following reliefs:

- " i) Issue a direction to the Respondent Nos. 1 & 2 to allow parity in the pay or pay scale as between the junior or senior officers of the Central Government and resolve the anomaly in the ACP Scheme as between those two categories of Officers.
- ii) Declare that the ACP Scheme is not intended to work out injustice between Officers similarly situated and necessary amendments be incorporated; and/or
- iii) Issue a direction to the Respondent No.2 to consider the claim of the Applicants with regard to parity in the pay scale in the light of submissions made in the OA".

Respondents-Department have filed their counter opposing the prayer of the applicants; to which applicants have not filed any rejoinder.

The applicants, as it appears, have not made out a positive case as to who are their

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juniors and the circumstances under which their juniors have been drawing higher pay than them. The representations made by them, to their authorities in the Department, are **inconspicuous** being wide of the mark. Neither the Original Applications nor their representations focus any attention that the applicants being the seniors in the hierarchy have been placed by the Department in any disadvantageous position vis-a-vis their juniors in the matter of pay fixation. Therefore, we are of the view that the grievance, if any, based on surmise and conjecture is not enough to approach the Tribunal in a manner as the applicants have approached in these two Original Applications.

For the foregoing, we dispose of both the two Original Applications leaving liberty to the applicants to ventilate their grievances, if any, individually, before their authorities stating clearly as to which of their juniors have been drawing higher pay than them (applicants) etc. In the event the applicants make representations as aforesaid, the authorities concerned will be well advised to examine the grievances within the four corner of rules/instructions in order to set the matter at rest for all times to come. No costs.

Send copies of this order to Respondents and free copies of this order be handed over to the learned counsel of both the sides.

VICE-CHAIRMAN 9/9

MEMBER (JUDICIAL)

copy of common order
 dt. 9-9-03 issued to
 all the respnts. by Posts.
 The same copy of
 order issued to the
 Petrs. Counsel.

Ams
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