

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

Order No. 1249 of 1996

Present : Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman  
Hon'ble Mr. S. Dasgupta, Administrative Member

Sri A.L. Chatterjee, s/o Late A.L.  
Chatterjee, retired Superintending  
Engineer from the office of respon-  
dent No. 4, residing at 159, Jodhpur  
Park, Calcutta - 700 068.

.... Applicant

-vs-

1. Union of India, Secretary through  
the Ministry of Defence, Govt. of  
India, New Delhi ;
2. The Chief Controller of Defence  
Accounts(Pension), Allahabad, Drau-  
padi Ghat, U.P. ;
3. The Controller General, Defence  
Accounts, New Delhi ;
4. The Chief Engineer, Eastern  
Command, Fort William, Calcutta - 1.

.... Respondents

For applicant : In person

For respondents : Ms. K. Banerjee, counsel

Heard on : 5.2.1998

- Order on : 16.2.1998

O R D E R

S.N. Mallick, VC

In this application, the petitioner, a retired Government servant working under the respondents, has prayed for directing the respondents to refix his scale of pay and revise his pension and to make all arrear payments thereof including retiral bene-  
fits with an interest of 18% per annum.

2. The case in short is as follows :

The petitioner while serving in the Military Engineering Service retired from defence service on superannuation with effect from 1.1.77. It is not disputed that on such retirement, the petitioner got all his dues to which he was entitled on the scale of pay enjoined by him at the relevant time. Sometime in May, 1994, the petitioner came to know that his junior one Shri K.S. Sil, who also retired as Superintending Engineer got his pay fixed at higher stage with effect from 1.1.73 on the basis of the recommendation of 1st Pay Commission. On such subsequent knowledge, the petitioner has since then approached the respondents on repeated occasions to refix his pay and to allow him revised salary arrears, gratuity, pension etc. According to the petitioner, he was promoted to the post of Superintending Engineer in 1972, whereas Sri K.S. Sil (not a party to this petition) got his promotion to the said post in 1973. The main story of the petitioner has been described in para-4(vi) of the application. It is stated that with effect from 1.1.73, Sri Sil's pay was fixed at Rs.1680/- whereas the petitioner's pay was fixed at Rs.1650/-. Because of such initial wrong fixation of his pay lesser than his junior, the petitioner submits that he has suffered a great financial loss relating to his salary in the grade pay, as well as in the matter of disbursement of his pensionary benefits.

3. Para-4(vi) of the application also indicates that the petitioner came to know of the desparity of pay fixation in comparison with Sri Sil in 1973/74. He says that on 1.7.73 his revised pay should have been Rs.1740/- instead of Rs.1560/-, Rs.1800/- on 1.1.74, Rs.1900/- on 1.1.75 and Rs.2000/- on 1.1.76. Many allegations have been made in the body of the application relating to the indifferent attitude shown by the respondents to dispense of the petitioner's

representation.

4. The respondents have denied all the allegations of wrong fixation of pay discrimination in the reply filed on 3.1.97 and the supplementary reply filed on 24.11.97. It is the specific case of the respondents that at no point of time, the pay of Shri Sil was fixed at higher stage in the post of Superintending Engineer on his promotion or after refixation of pay on the basis of the recommendation of the 1st Pay Commission. Admittedly, on the date of retirement of the petitioner i.e. 31.12.96, the petitioner's pay was Rs.1740/-. The entire case of the respondents as detailed in paras 9 to 13 of the supplementary reply supported by the copies of the official papers and documents as per Annexure 'X' goes to show that on the revised scale, the pay of Sri Sil as on 1.1.76 was Rs.1740/-. Admittedly, the petitioner's pay on the date of his retirement i.e. 31.12.76 was Rs.1740/-.

5. In view of the above facts and circumstances borne out by the official records, we find no substance in the instant application, in which the petitioner has appeared in person to argue his own case. It seems that the petitioner under a wrong impression of his junior getting a higher pay than him has filed this application for a remedy. The whole case is unfounded. Furthermore, there is no reason for the petitioner to approach this Tribunal after a lapse of 12/13 years. In that view of the matter also, the application is time-barred.

6. The application is, therefore, dismissed without any order as to costs.



( S. Dasgupta )  
Member(A)



( S.N. Mallick )  
Vice-Chairman