

(a)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR.

O.A. No. : 477/1995

Date of Order: 22.7.99

Mr. L. N. Vyas, S/o Mr. N.R. Vyas, aged about 58 years, resident of H.-90, Shastrinagar, Jodhpur, last employed on the post of Senior Superintendent of Telegraph Traffic in Ajmer Division, Ajmer. (Raj.).

..Applicant.

Versus

1. Union of India through Secretary to Government of India, Ministry of Communication, Sanchar Bhawan, New Delhi.
2. Director General, Government of India, Ministry of Communication, Department of Tele-communication, Sanchar Bhawan, New Delhi.
3. Chief General Manager, Tele-communication, Rajasthan Circle, Jaipur.

..Respondents.

Mr. J.K. Kaushik, counsel for the applicant.
Mr. K.S. Nahar, counsel for the respondents.

CORAM :

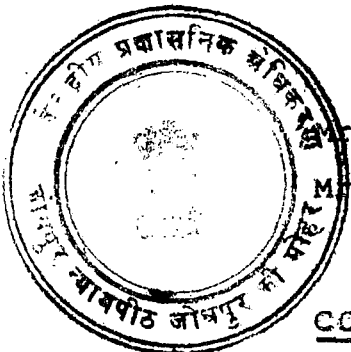
Hon'ble Mr. A.K. Misra, Judicial Member.
Hon'ble Mr. Gopal Singh, Administrative Member.

PER HON'BLE MR. GOPAL SINGH :

Applicant, L.N. Vyas, has filed this application under section 19 of the Administrative Tribunals Act, 1985, praying for a direction to the respondents to step up the pay of the applicant at par with that of the pay of his junior Shri B. Singh with retrospective date and pay arrears thereon accordingly with all consequential benefits.

Gopal Singh

..2.




2. Applicant's case is that Shri B. Singh was promoted in Group 'B' post much earlier to the applicant on adhoc basis and local arrangement and thus got higher pay than the applicant by earning regular increments and in terms of the order dated 18.8.1994 in O.A. No. 393/1994 of the Calcutta Bench of the Central Administrative Tribunal, the applicant's pay needs to be stepped up to that of the pay of Shri B. Singh.


3. Notices were issued to the respondents and they have filed their reply.

4. We have heard the learned counsel for the parties and perused the record of the case.

5. The benefit of stepping up of pay can be granted to a senior official with reference to his junior if the anomaly has arisen because of direct application of F.R.22-C. In the instant case, the anomaly has arisen because the junior had been officiating on adhoc basis on the promotional post. We thus do not find any justification for grant of the benefit of stepping up of pay to the present applicant. We are fortified in our view by the judgement of Hon'ble the Supreme Court reported in 1997 SCC (L&S) 1852, Union of India and Another Vs. R. Swaminathan and Others.

6. In the result, we find that the above application is devoid of any merit and deserves to be dismissed. The O.A. is accordingly dismissed with no order as to costs.


(GOPAL SINGH)
MEMBER (A)


22/7/99
(A.K. MISRA)
MEMBER (J)

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EV

for U.S. Marshals

Adv. 2/4/99

1 Cont No. 27-7-99

27-7-99

Case
UIC in
2/3/99

Part II and III destroyed
in my presence on 12-7-06
under the supervision of
section officer as per
order dated 16/5/06

Section Officer (Record)