



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH: JODHPUR

Date of order : 13.8.1999

O.A. No. 340/1996

Jaswant Singh son of Shri Sobha Ram aged about 51 years resident of C/o. Shri R.C. Doyal, C-41 Kamla Nehru Nagar, Jodhpur, at present employed on the post of Sr. Superintendent (Telegraph Traffic) Udaipur Division, Udaipur (Rajasthan).

... Applicant.

v e r s u s

1. Union of India through Secretary to Government of India, Ministry of Communication (Department of Telecommunication) Sanchar Bhawan, Ashoka Road, New Delhi.
2. The Director General, Government of India, Ministry of Communication (Department of Telecommunication), Sanchar Bhawan, Ashoka Road, New Delhi.
3. The Chief General Manager, Telecommunication, 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.

O R D E R

(Per Hon'ble Mr. Gopal Singh)

Applicant, Jaswant Singh, 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 M.D. Patel, with retrospective date and pay arrears thereon accordingly with all consequential benefits.

Gopal Singh

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2. Applicant's case is that Shri M.D. Patel was promoted in Group 'B' post much earlier to the applicant on ad hoc basis and local arrangement and thus got higher pay than the applicant by earning regular increments and in terms of the orders dated 18.8.94 in O.A. No. 393/1994 of the Calcutta Bench of the Tribunal and dated 9.8.95 in OA No. 637/94 of the Jaipur Bench of the Tribunal, the applicant's pay needs to be stepped up to that of the pay of Shri M.D. Patel.

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 records 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 ad hoc 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 & 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
(GOPAL SINGH)
Adm. Member

A.K. Misra
(A.K. MISRA)
Judl. Member

cvr.

PL copy
on 20/10/2010
for (S. S. Bawali)

PL copy
PL C.M. 244/99
for K.S.M.C.M.
28/10/1999

Part II and III destroyed
in my presence on 14/10/2006
under the supervision of
Section Officer (1) as per
order dated 16/5/2006

Section Officer (Record)