IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH: JODHPUR

Date of order : 28.05.1999

1. **O.A. No. 549/1995**

Himmat Ali son of Shri late Kazi Gulam Ahmed, about 46 years and resident of Chanda Bhakar, Jodhpur, at present employed on the post of Senior Accounts Officer, Office of the General Manager, Telecom (West), Jodhpur.

Applicant.

versus

1. Union of India through the Secretary to G/I, Ministry of Communication (Department of Telecommunication) Sanchar Bhawan, New Delhi - 1.
2. The Director General, Department of Telecommunication, Sanchar Bhawan, Sansad Marg, New Delhi - 1.
3. The Chief General Manager Telecom, Rajasthan Telecom Circle, Jaipur - 8.
4. The General Manager, Telecom (West), Jodhpur.
5. Shri G. Ranganathan, Accounts Officer (Retd.) through General Manager, Telecom District, Ahmedabad.

... Respondents.

2. **O.A. No. 11/1996**

Sohan Lal Prajapat son of Shri Jetha Ram aged about 46 years, resident of Gandhinagar, Churu, at present employed as Senior Accounts Officer, Office of the Telecom District Engineer, Churu.

... Applicant.

versus

1. Union of India through the Secretary to G/I, Ministry of Communication (Department of Telecommunication), Sanchar Bhawan, New Delhi - 1.
2. The Director General, Department of Telecommunication, Sanchar Bhawan, Sansad Marg, New Delhi - 1.
3. The Chief General Manager Telecom, Rajasthan Telecom

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Circle, Jaipur - 8.

4. The General Manager, Telecom West, Jodhpur.

5. Shri G. Ranganathan, Accounts Officer (Retd.) through General Manager, Telecom District, Ahmedabad.

... Respondents.

3. **O.A. No. 18/1996**

Shri D.R. Satpal son of Shri Popi Chand, aged about 47 years, resident of 9/30, Chopasni Housing Board, Jodhpur- At present employed on the post of Accounts Officer in the Office of Telecom Distt. Engineer, Nagaur (Raj.).

... Applicant.

versus

1. The Union of India through the Secretary to G/I, Ministry of Communication (Department of Telecommunication) Sanchar Bhawan, Sansad Marg, New Delhi - 1.
2. The Director General, Department of Telecommunication, Sanchar Bhawan, Sansad Marg, New Delhi - 1.
3. The Chief General Manager Telecom, Rajasthan Telecom Circle, Jaipur - 8.
4. The General Manager, Telecom West, Jodhpur.

... Respondents.

4. **O.A. No. 52/1996**

Shri T.R. Sharma son of Shri Jai Narain, aged about 44 years, resident of T-IV/3 Opposite Government College, Telecom Colony, Nagaur, at present employed on the post of Accounts Officer, O/o. T.D.E., Nagaur.

... Applicant.

versus

1. The Union of India through the Secretary to G/I, Ministry of Communication (Department of Telecommunication), Sanchar Bhawan, New Delhi - 1.
2. The Director General, Department of Telecommunication, Sanchar Bhawan, Sansad Marg, New Delhi.

Gopal G.

3. The Chief General Manager, Telecom, Rajasthan Telecom Circle, Jaipur - 8.

4. The General Manager, Telecom West, Jodhpur.

... Respondents.

Mr. J.K. Kaushik, Counsel for the applicants.
Mr. Vinit Mathur, Counsel for the respondents Nos. 1 to 4.
None present for the respondent No. 5 in OA Nos. 549/95 & 11/96.

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman.
Hon'ble Mr. Gopal Singh, Administrative member.

O R D E R

(Per Hon'ble Mr. Gopal Singh)

In all these 4 applications, the controversy involved as also the relief sought is the same and, therefore, these are being disposed of by this single order.

2. These applications under Section 19 of the Administrative Tribunals Act, 1985, have been filed by the applicants praying for stepping up of pay with respect to their junior.

3. We have heard the learned counsel for the parties and perused the records of the case.

4. The brief facts of the case are that the respondent No.5 (in OA Nos. 549/95 and 11/96) was promoted as Accounts Officer subsequent to the promotion of the applicants as Accounts Officer and the pay fixation of the respondent No. 5 on promotion to the post of Accounts Officer was given at a higher stage than the pay drawn by the applicants on that date. Representations made by the applicants in this regard have been rejected by the official respondents. Feeling aggrieved by the decision of the respondents in this regard, the applicants have approached this Tribunal. A perusal of the records reveals that the junior official before he was regularly promoted as Accounts Officer had officiated on adhoc basis on the promotional post and on his regular promotion to the post of Accounts Officer, he has been

given the benefit of the services rendered on adhoc basis on promotional post for the purpose of grant of increment and this has resulted in the anomaly.

5. The benefit of stepping up of pay can be granted to a senior official with reference to his junior if the anamoly has arisen because of direct application of F.R.22-C. In the instant cases, the anamoly has arisen because the juniors had been officiating on adhoc basis on the promotional post in their respective circles. We thus do not find any justification for grant of the benefit of stepping up of pay to the present applicants. We are fortified in our view by the judgement of Hon'ble 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 applications are devoid of any merit and deserve to be dismissed. All the applications are accordingly dismissed with no order as to costs.

(Gopal Singh)
Adm. Member

(Gopal Krishna)
Vice Chairman

cvr.