

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J_O_D_H_P_U_R.

Date of Order : 18.08.2000

O.A. No. 167/97

S.P. Bhatnagar S/O Shri Govind Swaroop Bhatnagar
aged about 58 years, R/O House No. 5D-102 Jai Narain
Vyas Colony Opposite Gramin Bank, Bikaner (Rajasthan)
(Ex H.S.G II, S.R.O. Bikaner)

... Applicant

Vs

1. Union of India through the Secretary, Ministry
of Communication Dak Bhawan, New Delhi.
2. The Post Master General, Rajasthan Western Region,
Jodhpur.
3. The Director, Postal Services Rajasthan, Western
Region, Jodhpur.

... Respondents

Mr. S.K. Malik, Counsel for the Applicant.
Mr. Vineet Mathur, Counsel for the Respondents.

CCRAM :

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman
Hon'ble Mr. Gopal Singh, Administrative Member

O_R_D_E_R

(PER HON'BLE MR. GOPAL SINGH)

Applicant, S.P. Bhatnagar, in this application
under Section 19 of the Administrative Tribunals Act, 1985,
has prayed for setting aside the impugned order dated 6.3.97
and for a direction to the respondents to step up the pay
of the applicant in the scale of Rs.425-640 and Rs.1600-2660
at par with his junior Sadhu Singh.

Gopal Singh

Contd....2

2. Applicant's case is that he is senior to Sadhu Singh as per the seniority list at Annexure A/6. However, his pay appointment to the scale of Rs.425-640 has been fixed at a lower stage than that of Sadhu Singh. The applicant has also represented to the authority in regard to fixation of his pay at par with his junior Sadhu Singh, but the representation has been rejected by the respondents vide order dated 06.3.1997 at Annexure A/1. Hence, this application.

3. In the counter, it has been stated by the respondent that the applicant does not fulfil the conditions laid down for the purpose of stepping up. It has further been averred by the respondents that Sadhu Singh was officiating in the higher grade Rs.425-640 since 30.11.1977, continuously till his regular promotion on 30.11.1983. Thus, Sadhu Singh, got the benefit of increment for the period he officiated in the higher scale. The applicant was promoted to the scale on 30.11.1983 alongwith Sadhu Singh, and his pay was fixed as per rules.

4. We have heard the learned Counsel for the parties, and perused the records of the case carefully.

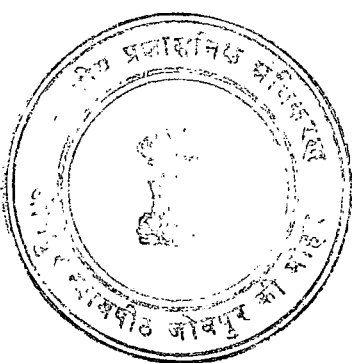
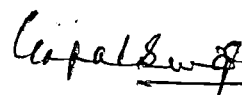
5. It is seen that Sadhu Singh had got the benefit of increment for the period he worked in the higher scale in fixation of his pay on his regular promotion on 30.11.1983. Thus, the applicant does not fulfil the conditions laid down for the purpose of stepping of his pay. Learned Counsel for the applicant has cited the case Union of India & Ors. Vs P. Jagdish & Ors. reported in 1997 SCC (L&S) 701. In that case, the junior was drawing Special Pay in the feeder cadre of senior clerk. Some of the post in the cadre of senior clerks were identified as involving arduous nature of work. The applicants were promoted from senior clerk to the post of Head Clerk.

Capable of

(12)

and, therefore, getting less pay than their juniors who were promoted as Head Clerk later than the applicant, but whose pay in that post was fixed, taking into account the special pay received by them as senior clerk in the identified post. In that case, the applicants' claim to re-fixation ^{of} their pay as Head Clerks on the notional basis that they were getting special pay as senior clerk was not held sustainable. However, they were held entitled to stepping up of their pay to a figure equal to the pay of their junior from the date such juniors were promoted as Head Clerks. In the instant case, the junior was officiating on a higher post and getting the scale of the higher post and not any special pay. It is settled law that a person would get the benefit of increment for the period he officiated in the higher post in the pay fixation as and when he is regularly promoted to the higher post. Thus, the facts of the case in hand are distinguishable and, therefore, the judgment cited by the learned Counsel for the applicant would not help the applicant. In the circumstances, we do not find any merit in this application and the same deserves to be dismissed.

6. The Original Application is accordingly dismissed with no order as to costs.



(GOPAL SINGH)
Adm. Member


(B.S. RAIKOTE)
Vice Chairman

J

C. Dees
K. S. Gille
25-82000
for K. S. Gille

Receives
for
SU MARR
10/11/05
24/8/2007

Part II and IM destroyed
in my presence on 10/11/05
under the supervision of
section officer (1) as per
order dated 10/11/05
Section officer (Record)