

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH AT JODHPUR

Original Application No.459/2013

Jodhpur, this the 27th day of October, 2014

CORAM

HON'BLE MR. JUSTICE KAILASH CHANDRA JOSHI, MEMBER (J)
HON'BLE MS. MEENAKSHI HOOJA, MEMBER (A)

Amerjit Singh S/o Shri Jaila Singh, aged 50 years, Pipe Fitter HS-II in the office of Garrison Engineer, MES, Lalgarh Jattan, District Sri Ganganagar, R/o 4/323-324, Housing Board Colony, Hanumangarh.

.....Applicants

Mr. Vijay Mehta, counsel for applicants

Vs.

1. Union of India through the Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Commander Works Engineer, MES, Sri Ganganagar.
3. Garrison Engineer, MES, Lalgarh Jattan District Sri Ganganagar.

...Respondents

Ms. K.Parveen, counsel for respondents.

ORDER (ORAL)

Per Justice K.C.Joshi, Member (J)

The present OA has been filed under Section 19 of the Administrative Tribunals Act for seeking the following reliefs:-

"The applicant prays that the impugned action of the respondents may kindly be quashed and the respondents be directed to make fixation of the applicant from 01.01.2006 at par with said Shri Sultan Singh. The respondents may kindly be directed to advance his date of increment and to make payment of arrears thereof. Any other order, as deemed fit may also be passed. Costs may also be awarded to the applicant."



2. Short facts of the case, as stated by the applicant, are that the applicant was appointed on class D post of Safaiwala on 07.05.1987 and was later on promoted to the post of Valveman on 18.12.1996, Pipe Fitter on 01.10.2007 and thereafter he was promoted to the post of Pipe Fitter HS-II. It has been averred that one Sultan Singh was appointed on Class D post of Mazdoor on 06.02.1988 and was later on promoted to the post of Valveman on 31.12.1996, Pipe Fitter on 01.10.2007 and now he is working on the post of Pipe Fitter (SK). It has been further averred that like the applicant, Shri Sultan Singh has not been further promoted to the post of Pipe Fitter HS-II. Though, the applicant is senior to Shri Sultan Singh, he is being paid less salary than Shri Sultan Singh since 01.01.2006. The applicant is presently being paid basic salary of Rs.9730/- whereas Shri Sultan Singh is being paid basic salary of Rs.9480/-. Aggrieved by this, the applicant submitted representation as at Annexure-A/1 and since the respondents did not redress his grievance and did not even send a line in reply to the representation, the applicant further submitted his representations as at Annexure-A/2 & A/3. It has been further averred that the respondents have granted relief to similarly situated one Shri Het Ram by granting him benefits of stepping up, but the respondents have not granted such relief and have treated the applicant unequally with reference to the similarly situated person. Hence, the applicant by way of this application has sought the relief as mentioned in para No.1.



3. By way of reply, the respondents averred that the case of the applicant for stepping up from junior to senior along with all particulars to correct the pay through re-fixation has been submitted to the Audit Authorities i.e. AO, GE Lalgarh Jattan vide letter dated 24.10.2013 and the case for re-fixation of pay has been referred to the higher authorities i.e. PCDA (SWC) Jaipur for further orders vide letter dated 06.12.2013.

4. By way of rejoinder the applicant averred the same facts as averred in the OA.


5. Heard both the parties and perused the record. Counsel for the applicant submits that the respondent department has admitted in para No.4.4 of the reply that they have already referred the matter of stepping up of pay of the applicant to the higher authorities vide letter dated 24.10.2013 and the Accounts Officer GE Lalgarh Jattanvide letter dated 06.12.2013 has forwarded the same to the PCDA (SWC) Jaipur for further orders. Counsel for the applicant further submits that as per the averments made in para No.4.4 of the reply, since the case of the applicant is under consideration of the respondent department, therefore they may be directed to decide the same as early as possible.

6. Per contra, counsel for the respondents submits that the respondent department has already forwarded the case of the applicant to the higher authority and now they are waiting for reply or orders.

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7. In view of the submissions made hereinabove and the averments made by both the parties, we are intending to dispose of this application with certain directions.

8. Accordingly, the OA is disposed of and the respondent department is directed to decide the case of the applicant for stepping up of pay within 6 months from the date of receipt of a copy of this order. No order as to costs.


(MEENAKSHI HOOJA)
Administrative Member


(JUSTICE K.C.JOSHI)
Judicial Member

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