

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
CALCUTTA

No.O.A.747/1997

Date of order : 16.11.2005

Present : Hon'ble Mrs. Meera Chhibber, Judicial Member  
Hon'ble Mr. N.D. Dayal, Administrative Member

BISWAMBHAR DAS  
VS.  
UNION OF INDIA & ORS.

For the applicant : Mr. S.K. Dutta, counsel  
For the respondents : Mr. K. Sarkar, counsel

ORDER

Per Meera Chhibber, J.M.

Grievance of the applicant in this case is, even though vide order dated 4.7.1996 the applicant was allowed stepping up at par with his junior with effect from 22.8.1982 by fixing his pay at Rs.560/- <sup>but he</sup> ~~and~~ he has been given only notional benefit and actual pay has been given only with effect from 31.12.1994 (Page 44).

2. It is submitted by the applicant that once stepping up was granted, there was no justification to deny him the arrears thereof whereas respondents in their reply have stated that they have granted notional benefit of stepping up with effect from 22.8.1982 keeping in view the office memorandum dated 7.8.1995 as well as dated 1.12.1994.



3. Counsel for the respondents was however not able to satisfy us as to which particular clause would apply in case of the applicant for denying him the actual benefits from office memorandum dated 7.8.1995. Three instances are given on which it is stated that stepping up of pay shall not be allowed namely:-

(i) Where an employee, even though senior was not found suitable for appointment in identified areas involving arduous work of complex nature(special pay posts for Upper Division clerks)

(ii) where the employee declined to accept deployment/appointment to the identified posts(Upper Division Clerks)

(iii) Where an employee was away on deputation outside the cadre at the time when his junior was appointed to the identified post(special pay posts for Upper Division Clerks).

In which particular category the applicant's case falls has not been explained either by the applicant or the respondents. It has also not been clarified either in the counter reply or O.A. nor it was explained during the course of the arguments. We, therefore, feel that ends of justice would be met if liberty is granted to the applicant to either challenge the office memorandum which are relied upon by the respondents in case he is covered by them or in case applicant feels that his case does not fall in any of the categories mentioned in the above O.Ms and then file a proper O.A. accordingly.

4. In view of the above directions this O.A. stands disposed of.

No order as to costs.



MEMBER(A)



MEMBER(J)