

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No.90 of 1997

Present : Hon'ble Mr. S. Biswas, Administrative Member
Hon'ble Mr. A. Sathath Khan, Judicial Member

Bibhuti Bhushan Deb Naskar, S/o Late Deb
Naskar residing at Village Mokimpur,
P.O. South Bishnupur, Dist. 24-Parganas
(South)

... Applicant

VS

1. Union of India, service through the
Secretary, Ministry of Works & Housing,
New Delhi-11
2. Director of Printing, Govt. of India,
'B' Wing, Nirman Bhavan, New Delhi-11
3. Manager, Govt. of India Press (Pub.
Unit), Santragachi, Howrah-711 321

... Respondents

For the Applicants : Mr.B. C. Sinha, counsel

For the Respondents : Mrs. K. Banerjee, counsel

: : Date of order: 28-04-2003

O R D E R

Hon'ble Mr. A. Sathath Khan, JM

The applicant prays for a direction to the respondents to fix his pay first as Reviser and then as Reader to be at par with his junior and also pay the consequential arrears.

2. The case of the applicant is that he was appointed as Copy Holder in the Govt. of India Press on 1.4.59, that he was selected and promoted directly as a Reader with effect from 16.7.84 though there was ^{an} intermediary promotional post of Reviser, that his junior who was also appointed as a Copy Holder on 1.4.59 was promoted to the post of Reviser on 16.7.84 and later on promoted as Reader on 2.11.87, that the pay of his junior in the post of Reader is higher than that of the applicant in view of the fact that the said junior got two pay fixations, one in the post of Reviser and other in the post of Reader, that the applicant being a senior both in the post of Copy Holder and in the post of Reader is entitled to pay at par with that of his junior, that the

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applicant made several representations in this regard, but the same had been turned down by the respondents on 6.6.96 and that the impugned order dated 6.6.96 is arbitrary and illegal and hence this OA.

3. The respondents contend that the applicant was appointed as a Copy Holder on 1.4.59 and was promoted as Reader with effect from 16.7.84 in the pay scale of Rs.330-560/-, that his pay was fixed at Rs.416/- under FR 22-C, that the applicant retired on 31.8.96 on superannuation, that his junior was appointed as Copy Holder on 1.5.59 and was promoted as Reviser with effect from 16.7.84 in the pay scale of Rs.330-480/-, that his pay was fixed at Rs.420/- under FR 22-C, that his junior was again promoted as Reader with effect from 2.11.87 in the pay scale of Rs.330-560/-, that his pay was again fixed under FR 22-C as a result of which the junior was drawing higher pay of Rs.60/- in the post of Reader with effect from 2.11.87, that the representation of the applicant to remove the anomaly of pay given to him and to his junior could not be acceded to as the rules did not permit such type of stepping up of pay and that there are no merits in the OA. Hence the respondents pray for the dismissal of the OA.

4. Heard the learned counsel for the applicant and the respondents and considered all the pleadings and relevant records of the case.

5. The point for consideration in this case is whether the applicant being senior is entitled to stepping up of pay at par with his junior in the post of Reader. The rule relating to stepping up of pay of the senior is as follows :-

"In order to remove the anomaly of a Government servant promoted or appointed to a higher post on or after 1-4-1961 drawing a lower rate of pay in that post than another Government servant junior to him in the lower grade and promoted or appointed subsequently to another identical post, it has been decided that in such cases the pay of the senior officer in the higher post should be stepped up to a figure equal to the pay as fixed for the junior officer in that higher post. The stepping up should

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be done with effect from the date of promotion or appointment of the junior officer and will be subject to the following conditions, namely :-

- (a) Both the junior and senior officers should belong to the same cadre and the posts in which they have been promoted or appointed should be identical and in the same cadre;
- (b) The scales of pay of the lower and higher posts in which they are entitled to draw pay should be identical;
- (c) The anomaly should be directly as a result of the application of FR 22-C. For example, if even in the lower post the junior officer draws from time to time a higher rate of pay than the senior by virtue of grant of advance increments, the above provisions will not be invoked to step up the pay of the senior officer.

The orders refixing the pay of the senior officers in accordance with the above provisions shall be issued under FR 27. The next increment of the senior officer will be drawn on completion of the requisite qualifying service with effect from the date of refixation of pay."

The only objection raised by the respondents is that the scales of pay of the senior and the junior in the lower and higher posts are not identical as provided in condition (b) extracted above. In the present case, admittedly the scales of pay of the applicant and his junior are not identical in the lower post since the scale of pay of the applicant in the lower post of Copy Holder and the scale of pay of the junior in the lower post of Reviser are different. Hence the condition (b) above is not fulfilled in this case. In a similar case the Supreme Court has also taken a similar view in a decision reported in JT 1997(6) SC 586. Under these circumstances we hold that the applicant is not entitled to stepping up of pay at par with his junior.

6. In the result, the OA is dismissed with no order as to costs.


(A. Sathath Khan)

MEMBER (J)

28/4/03


(S. Biswas)

MEMBER (A)