

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 539 of 2008

Thursday, this the 30th day of July, 2009

CORAM:

Hon'ble Mr. George Paracken, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

Mahalekshi Amma, aged 62 years, W/o K. Ramachandran Potti, retired Statistical Investigator, Grade-III, Directorate of Census Operations, Thiruvananthapuram, Kerala, presently residing at "Mohan Nivas", TC No. 37/2048, House No. 43, Fort. P.O., SVRWA-13, S.P.L. Road, Thiruvananthapuram-23. **Applicant**

(By Advocate – Mr. R.S. Kalkura)

V e r s u s

1. Union of India, represented by the Secretary, Department of Census Operation, Ministry of Home Affairs, New Delhi.
2. The Director of Census Operations, represented by Director, Office of the Directors of Census Operations, Central Government Officers Complex, Poonkulam, Vellayani.P.O., Thiruvananthapuram-22.
3. Smt. Chandrakumary, Retired Statistical Investigator, Gr.III, Directorate of Census Operations, Thiruvananthapuram, 'Sudarsan', Opposite Service Station, M.P. Appan Nagar, Vazhuthacaud, Thiruvananthapuram. **Respondents**

[By Advocate – Mr. George Joseph, ACGSC (R1-2)]

The application having been heard on 30.7.2009, the Tribunal on the same day delivered the following:

O R D E R

By Hon'ble Mr. George Paracken, Judicial Member -

The applicant was senior to the 3rd respondent, Smt. Chandrakumary as their dates of joining service at the entry grade of Assistant Computer were w.e.f. 18.7.1990 and w.e.f. 22.7.1990 respectively. The grievance of the applicant in this Original Application is that the 3rd respondent was found

to be drawing Rs. 1,600/- as her basic pay whereas she was given only Rs. 1,560/- as on 1.1.1994. She has therefore, made Annexure A-1 representation dated 26.3.2002 for enhancing her pay and to fix it at par with the pay of her junior Smt. Chandrakumary.

2. According to the respondents, her aforesaid representation was considered vide letter No. Estt. 6582/2001 dated 3.7.2002 and she was informed that there was no irregularity in the matter of her pay fixation from time to time. The applicant, however made Annexure A-2 representation again on 3.6.2004 followed by Annexure A-3 representation dated nil. The respondents have again informed her vide Annexure A-4 memo dated 29.6.2004 that her case has already been considered in terms of her earlier representation and she was informed that there was no irregularity in her pay fixation. She was also informed that the pay fixation in respect of Smt. Chandrakumary was being referred to the Audit Party for review and, if any irregularity is there, it will be rectified.

3. The respondents have also filed a reply in this OA stating that the 3rd respondent Smt. Chandrakumary who entered service on 22.7.1970 was promoted as Computer earlier than the applicant on ad hoc basis w.e.f. (i) 20.7.1978 to 18.12.1978, (ii) 1.1.1979 to 1.1.1980 and (iii) 1.4.1980 to 31.8.1980. Thereafter, she was promoted as Computer on regular basis w.e.f. 1.9.1980. However, the applicant was promoted as Computer on ad hoc basis for the first time only from 1.2.1979 to 6.6.1979 followed by the period from 30.7.1979 to 29.12.1979 and from 1.4.1980 to 31.8.1980. She

✓

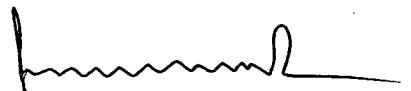
was also given the regular promotion w.e.f. 1.9.1980.

4. We have heard learned counsel for the parties. First of all, it is seen that there was no irregularity in the fixation of pay of the applicant even according to the applicant herself. The only basis for her grievance is that her junior at the entry level has got higher salary than her, as on 1.1.1994. When the 3rd respondent who was junior to the applicant got her the first ad hoc promotion w.e.f. 20.7.1978 and the applicant got it late only w.e.f. 1.2.1979, obviously the pay of the third respondent has been fixed at a higher stage than the stage at which the applicant's pay was fixed, considering the total period of ad hoc service to her credit.

5. Further, it is seen that the applicant has made a representation in 1994 itself against the alleged anomaly and she was given the reasons for such difference in pay between herself and her junior vide the respondents letter number Estt. 6582/2001 dated 3.7.2002. However, the applicant has went on making further representations and she has filed this OA only in August, 2008 after a delay of nearly six years.

6. We, therefore, dismiss this OA both on merits as well as on limitation. There shall be no order as to costs.


(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER


(GEORGE PARACKEN)
JUDICIAL MEMBER

“SA”