

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.101/94

Thursday, this the 1st day of September, 1994

C O R A M

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

....

S Krishna Iyer, Senior Accounts Officer,
Accountant General's Office (A&E),
Thiruvananthapuram.

....Applicant

By Advocate Shri PS Vasavan Pillai.

Vs.

1. The Comptroller and Auditor General of India,
Bahadurshah Zafar Marg, Post Bag No.7,
Indraprastha Head Post Office, New Delhi.
2. The Finance Secretary,
Government of India,
New Delhi.
3. The Accountant General (A&E),
Thiruvananthapuram--695 039.

....Respondents

By Shri S Krishnamoorthy, Addl Central Govt Standing Counsel.

O R D E R

Applicant is a retired Senior Accounts Officer of the Accountant General's Office (A & E), Thiruvananthapuram. His immediate junior was one Shri Gopinathan Nair, who was promoted as Section Officer on 12.6.73 after the pay revision on 1.1.73, whereas applicant was promoted as Section Officer on 2.9.72 before the pay revision. As a result, there was an anomaly with the applicant, who was senior, drawing less pay than Shri Gopinathan Nair. This anomaly was rectified and the pay of the applicant was stepped up to Rs.540.00 with effect from 12.6.73 with reference to the pay of Shri Gopinathan Nair.

2. The grievance of the applicant is that after 1.3.84 when the said Gopinathan Nair opted for the Audit Wing, Smt Vanajakshy Amma

contd.

who became the immediate junior of the applicant, was drawing a higher pay than the applicant ever since 29.6.73 when she was promoted as Section Officer. The prayer of the applicant is that his pay should be stepped up to that of his junior Smt R Vanajakshy Amma with effect from 29.6.73.

3. The contention of the respondents is that the pay of an officer can be stepped up only with reference to that of his immediate junior. On the date on which the applicant alleges anomaly with respect to Smt Vanajakshy Amma, namely, 29.6.73, she was not his immediate junior. In fact, his immediate junior at that time was Shri Gopinathan Nair and the respondents had stepped up the pay of the applicant with reference to the pay of Shri Gopinathan Nair. Because Smt Vanajakshy Amma became his immediate junior much later after 1.3.84, he cannot claim a second stepping up of his pay with reference to a second junior. The Government of India has clearly laid down in DP & AR OM No.F.4/7/83-Est. (P.I) dated 31st March, 1984, Dept of Pension and Pensioners' Welfare UO No.1427/85-Est. Pay I dated 22nd July, 85 and C & AG, UO No.521-Audit.I/120-82, dated 10th July, 85 (Government of India's instruction No.23 below FR 22) that the benefits of stepping up of pay can be allowed to a senior official for a second time provided the anomaly has arisen with reference to the pay of the same junior with reference to whom the pay of the senior was stepped up for the first time. The instructions state as follows:

"...while stepping up pay in accordance with the aforesaid general instructions, the benefit should be allowed only once with reference to the pay of the 'first junior' (not necessarily 'immediate junior') on whose promotion an anomaly arose in pay of the senior incumbent. In cases where pay of such 'first junior' at par with whom the pay of a senior employee was initially stepped up, gets stepped up in the event of an anomaly arising on promotions of persons junior to him and thus gives rise to a situation where the said

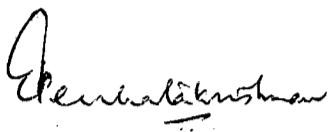
senior employee again draws less pay than his 'first junior' the benefit is not admissible in terms of the aforesaid decision. The position has been reviewed and after careful consideration, it has been decided that on the pay of the 'first junior' being stepped up with reference to that of his junior, the pay of such senior employee may be stepped up for a second time at par with the 'first junior' provided all the conditions laid down in the general orders, are satisfied with reference to that junior at par with whom the pay of the aforesaid 'first junior' was stepped up."

4. The contention of the applicant is that though he had got stepping up of pay with reference to the first junior, the anomaly had been rectified only for 17 days, the period from 12.6.73 to 28.6.73 and that from 29.6.73, another junior who later on became his immediate junior, continued to draw higher pay than him. A careful reading of the rules in this regard shows that the applicant was entitled to get his pay stepped up on 12.6.73 to that of his immediate junior Shri Gopinathan Nair. This had been done. On 29.6.73, the applicant finds that another junior at that time, not his immediate junior, drew higher pay than him. He was not entitled to stepping up of pay with reference to Smt Vanajakshy Amma as she was not his immediate junior on the date when the anomaly came up. It was only much later in 1984 that Smt Vanajakshy Amma became his immediate junior. It is not possible under the rules for stepping up the pay of the applicant with reference to Smt Vanajakshy Amma from 29.6.73 when she was not his immediate junior. As regards the position on 1.3.84, the applicant is entitled to get his pay stepped up only with reference to Shri Gopinathan Nair and not with reference to Smt Vanajakshy Amma even though on that date she became his immediate junior as a result of the bifurcation of the office of the Accountant General. It, therefore, appears that the decision taken by the respondents is in accordance with the rules and cannot be faulted.

5. The alleged anomaly, according to applicant, is with effect from 29.6.73. From this point of view, the application is belated and no relief can be granted to the applicant.

6. The application is accordingly dismissed. No costs.

Dated the 1st September, 1994.


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER