

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.126/2002

Wednesday this the 20th day of February, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

P.K.Mathew Panicker,  
Superintendent of Central Excise (Retired)  
T.C.No.2/1787(3)  
GRA 103, Old Excise Compound,  
Gowreesapattam,  
Pattam Palace PO,  
Trivandrum.4.

...Applicant

(By Advocate Mr. C.S.G. Nair)

v.

1. Commissioner of Central Excise & Customs,  
Central Revenue Building,  
I.S.Press Road, Cochin.18.

2. The Deputy Commissioner of Central  
Excise, Central Excise Divisional Office,  
Press Club Road, Trivandrum.1.

3. Union of India, represented by  
the Secretary,  
Department of Revenue,  
Ministry of Finance,  
North Block, New Delhi.110 001.

...Respondents

(By Advocate Mr. C.B.Sreekumar,ACGSC)

The application having been heard on 20.2.2002, the  
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

Shri Mathew Panicker, Superintendent of Central  
Excise (Retd) has filed this application challenging  
Annexure.A7 order dated 31.5.2001 by which his claim for  
stepping up of pay on par with his junior P.E. Bhaskaran  
was turned down. It is alleged in the application that  
right from the year 1982 onwards the junior of the  
applicant Shri P.E.Bhaskaran was wrongly given senior  
grade and has been getting higher pay and therefore, the

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applicant is entitled to have his pay stepped up on par with his junior.

2. We have heard Shri C.S.G.Nair, learned counsel of the applicant and shri C.B.Sreekumar, learned counsel of the respondents. In the impugned order it has been stated that the case of the applicant does not satisfy the conditions that (a) Both the junior and senior officer 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; and (b) the scale of pay of the lower and higher posts in which the junior and senior officer are entitled to draw pay should be identical, because from 11.11.82 onwards Shri P.E.Bhaskaran, junior of the applicant was drawing pay in the scale Rs.550-900 and the applicant was drawing pay in the scale Rs.500-900. Therefore, the claim of the applicant for stepping up of pay is not sustainable.

3. We do not find even *prima facie* anything wrong with the view taken by the respondents in the impugned order. Whether Shri Bhaskaran was really entitled to be paid pay in the scale Rs.550-900 with effect from 11.11.82 is not the issue that the Tribunal has to consider in this application. If the payment of Bhaskaran in the scale Rs.550-900 was wrong, that does not justify stepping up of pay of the applicant on par with Shri Bhaskaran which would amount to a repetition of the wrong causing loss to the public exchequer. Since the case of the applicant does not satisfy the conditions prescribed in the O.M. dated 4.11.1993 for stepping up of pay, we find nothing in

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this case which calls for admission and further deliberation. Hence the application is rejected under Section 19(3) of the Administrative Tribunals Act. 1985.

Dated the 20th day of February, 2002

T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

A.V. HARIDASAN  
VICE CHAIRMAN

(s)

APPENDIX

**Applicant's Annexures:**

1. A-1: A true extract of the seniority list of Inspectors as on 1.1.86 published in C.No.II/34/4/86-Estt. I dated 10.6.86 issued by the 1st respondent.
2. A-2: A true extract of the seniority list of Inspectors as on 1.1.91 issued by the 1st respondent.
3. A-3: A true extract of the seniority list of the Superintendent published as on 1.1.98 in C.No.II/34/9/97-Estt. I dated 7.1.98 issued by the 1st respondent.
4. A-4: A true copy of the representation dated 7.4.2000 submitted by the applicant.
5. A-5: A true copy of the representation dated 5.10.2000 by the applicant.
6. A-6: A true copy of the order in OA No.230/2001 dated 10.4.2001 of this Hon'ble Tribunal.
7. A-7: A true copy of the memo O.No.II/24/A-1/2001 Accts. I dated 31.5.2001 issued by the 1st respondent.
8. A-8: A true copy of the communication from the 3rd respondent to the 1st respondent F.No.A-26017/15/2001-Ad II (A) dated 26.9.2001.
9. A-9: A true copy of the judgment in OP No.380/1980 of the Hon'ble High Court of Kerala.
10. A-10: A true copy of the judgment in WA No.567/1983 of the Hon'ble High Court of Kerala.
11. A-11: A true copy of the OM No.4(3)-82/Estt. (P-1), dated 15.2.1983 issued by the Department of Personnel & Administrative Reforms.

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