

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.230/2001

Tuesday this the 10th day of April, 2001

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,
Central Excise Divisional Office,
Press Club Road,
Trivandrum.1.

...Applicant

(By Advocate Mr. CSG Nair)

V.

1. Commissioner of Central Excise & Customs,
Cochin Commissionerate,
Central Revenue Buildings,
IS 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.Govindh K Bharathan (rep.)

The application having been heard on 10.4.2001, the
Tribunal on the same day delivered the following:

O R D E R

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The applicant is aggrieved that a person who was junior to him as Inspector of Central Excise is getting higher pay and he claims stepping up of pay. The prayer is for a direction to the 1st respondent to issue orders of stepping up of pay of the applicant on par with his junior Shri P.E.Bhaskaran.


contd....

2. The respondents in their reply statement stated that the applicant is not entitled to get any stepping up of pay on par with the pay of Shri Bhaskaran who was promoted ^{as Sr. Grade Inspector} /on 11.11.82 and started getting higher pay thereafter and that he has been promoted as Superintendent Central Excise with effect from 15.3.93 earlier than the applicant who was promoted on 1.6.94. However, in para 12 of the reply statement the respondents have stated as follows:

With regard to Ground E it is submitted that the applicant has represented that "in a similar case of Shri T.M.Vijayakumar, the 1st respondent has stepped up the pay on par with junior Shri V.K.Sivaraman. In this connection it is submitted that Shri T.M.Vijayakumar and a few others were granted stepping up of pay on par with their juniors as they were found eligible under relevant orders on the subject for stepping up of pay. Shri Mathew Panicker, the applicant will also get stepping up, if, on examination of the records, he is found eligible. It also cannot be claimed that one officer was granted stepping up and therefore the applicant also should get the stepping up. Stepping up shall be granted to the applicant if he is found eligible for the same on examination of the service records."

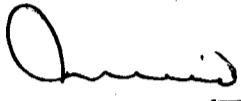
3. Taking note of this statement in para 12 of the reply statement, learned counsel of the applicant submitted that the respondents may be directed to consider the case of the applicant and to give him an appropriate order within a reasonable time. Learned counsel appearing for respondents have no objection in disposing of the application as suggested by the counsel of the applicant.

contd....



4. In the result, in the light of what is stated above, without expressing any opinion on merits, we dispose of this application directing the respondents to take a decision on the claim of the applicant in terms of what is stated in para 12 of the reply statement and the applicant be given a reply within a period of three months from the date of receipt of a copy of this order. There is no order as to costs.

Dated the 10th day of April, 2001



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

s.