

CENTRAL ADMINISTRATIVE TRIBUNAL
:ERNAKULAM BENCH:

DA No. 351/98

Monday, the 9th day of March 1998.

CORAM

HON'BLE MR A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR S.K. GHOSAL, ADMINISTRATIVE MEMBER

M.M. John
Senior Charge Man (Factory)
Naval Armament Depot
Alwaye

...Applicant

(By advocate Mr K. Shri Hari Rao)

Versus

1. The Controller of Defence
(Accounts) Allahabad.
2. Deputy Controller of Defence
(Accounts) Cochin Branch (Navy)
Naval Base, Kochi - 4
3. The General Manager
Naval Armament Depot
Alwaye
4. M.V. Mohandas
Senior Chargeman (Factory)
Naval Armament Depot
Alwaye.

...Respondents.

(By advocate: Mr S. Radhakrishnan, ACGSC)

The application having been heard on 9.3.98, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant who is an Ex-serviceman was directly recruited to the post of Civilian Senior Chargeman (Factory) w.e.f. 20.4.89. The fourth respondent who is also a Senior Chargeman (Factory) was promoted to that post w.e.f. 27.2.92. The grievance of the applicant is that though he is senior in comparison to the 4th respondent, he has been receiving lesser pay than that of the 4th respondent, even before the implementation of the 5th Pay Commission Report and that the difference has increased after the recommendations were implemented.

m

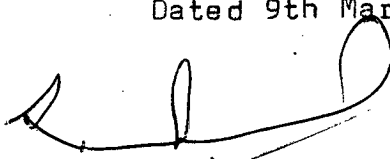
Pointing out his grievance, the applicant made a representation to the 3rd respondent on 4.1.98 without any result. The applicant has, therefore, filed this application for a direction to the respondents to step up his pay on par with his junior viz. the 4th respondent.

2. We have heard the learned counsel on both sides. We do not find any legitimate ground for entertaining this application. It is true that in the cadre of Civilian Chargeman (Factory), the applicant is senior to the 4th respondent, but ^{both} the 4th respondent and the applicant did not come from the ^{same} lower cadre to the post of Civilian Chargeman (Factory). The 4th respondent was promoted. The applicant got appointed by direct recruitment. The applicant, though senior, has never drawn higher pay than the 4th respondent. The conditions precedent for stepping up of the pay on par with the junior, therefore, are wanting in this case.

3. In the result, finding nothing in this case which needs further deliberations, the application is rejected under Section 19 (3) of the Administrative Tribunals Act, 1985.

No order as to costs.

Dated 9th March 1998.


(S.K. GHOSAL)
ADMINISTRATIVE MEMBER


(A.V. HARIDASAN)
VICE CHAIRMAN

aa.