

(2)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No. 741/89.

Shri S.N. Janorkar,
Resident of 306, 'B' Wing,
3rd Floor, Purnima Darshan,
Shrikhande Wadi, Manpada Road,
DOMBIVLI (E) - 421 201.

.. Applicant.

V/s.

1. The Union of India, through
the General Manager,
Central Railway,
Bombay V.T.

2. The Chief Personnel Officer,
Central Railway,
Bombay V.T.

3. Dy. Chief Personnel Officer
(NG), Central Railway,
Bombay V.T.

.. Respondents.

Coram : Hon'ble Shri M.Y. Priolkar, Member (A)
Hon'ble Shri T.C. Reddy, Member (J).

Appearances:-

Applicant present in person.
Respondents by Shri S.C. Dhawan.

JUDGMENT

DATE: 6-8-91

(Per : Shri T.C. Reddy, Member (J))

The applicant herein has filed this petition under section 19 of the Administrative Tribunals Act, 1985 with a prayer to step up his pay equal to that of his immediate junior.

2. The facts giving rise to this application are within a narrow compass and may be stated as follows.

3. The applicant was appointed originally on 27.10.1958 as Typist in Central Railway; He was promoted as Stenographer w.e.f. 30.11.1961 and was further promoted to the grade w.e.f. 12.3.1967. The applicant was promoted in the grade on 23.6.1977 and afterwards went on deputation to M.T.P. which is a separate organisation and not a part of Central Railway. The applicant from M.T.P. was repatriated

T. C. Reddy

O.A.741/89.

to Central Railway (Bombay V.T.) on 7.8.1985. The grievance of the applicant is while on deputation to M.T.P. certain ad hoc promotions of his juniors had been made and on the applicant's repatriation to the parent depart ^{ment} (Central Railway) from M.T.P. that his pay was found less than that of his juniors. So he has filed the present application for the relief to equate his pay with that of his immediate junior as already indicated above.

4. The fact that the applicant was working as Steno in M.T.P. Railways on deputation and that he was subsequently repatriated back to his parent department i.e. General Manager's Office, Central Railway, Bombay on 7.8.1985 is not in dispute. Further the fact that one Shri Muddalkar, who is junior to the applicant had been given ad hoc promotion w.e.f. 30.4.1984 when the applicant was on deputation to M.T.P. Railways is not in dispute in this case. Further it is not disputed that the said Shri Muddalkar who is junior to the applicant is drawing a higher pay than that of the applicant. The respondents contention is as the said Shri Muddalkar who is junior to the applicant had been promoted on ad hoc basis while applicant was on deputation in M.T.P. Railways, that the applicant is not entitled to get his pay equated to that of his immediate junior and that the pay of the applicant on repatriation to the parent department from the M.T.P. had been fixed correctly and on promotion of the applicant to higher post after repatriation that his pay has also been fixed in accordance with the F.R. and so the grievance of the applicant is not justified.

5. Admittedly, the applicant had been working on deputation ~~to~~ M.T.P. from 6.10.1969 to 5.8.1985. The junior of the applicant (Shri Muddalkar) was given ad hoc promotion w.e.f. 30.4.1984 and pay was fixed to him (Muddalkar) accordingly in the grade. But for the

O.A.741/89.

continuance in M.T.P. from 6.10.1969 to 5.8.1985 the applicant would have been entitled to promotion in his parent department on 30.4.1984 ~~as~~ the date on which Shri Muddalkar, the junior of the applicant was promoted so the applicant will be entitled to proforma promotion and for fixation of pay notionally on par with his immediate junior as on 30.4.1984 the date on which his immediate junior Shri Muddalkar was promoted and pay was fixed. So accordingly a direction is liable to be given to the respondents to fix the pay ^{of the Appellants} notionally on par with his immediate junior Shri Muddalkar w.e.f. 30.4.1984 the date on which the said Muddalkar the immediate junior of the applicant was promoted and pay was fixed.

6. As already pointed out the said Shri Muddalkar who is admittedly junior to the applicant is drawing more pay than the applicant from 6.8.1985 which is the date of repatriation of the applicant to the parent department i.e. Central Railway from the M.T.P. Railways. The contention of the respondents is as already pointed out, that the said Shri Muddalkar who is junior to the applicant had been given only ad hoc promotion and in view of the said ad hoc promotion given to the said Shri Muddalkar that the said Muddalkar who is junior to the applicant is drawing more pay than the applicant who is senior to the said Shri Muddalkar and as the said Muddalkar junior to the applicant was given ad hoc promotion and not regular promotion that the applicant is not entitled to ask to equate his (the applicant) pay with that of his junior Shri Muddalkar. The applicant and the applicant's juniors including Muddalkar are direct recruits and all belong to the same service and the principle of equal pay of the senior with that of junior is readily applicable to the applicant vis-a-vis his

T - C. A. - 1

(P)

O.A. 741/89.

juniors and so the said contention has no force.

7. The fact that the case of the applicant is governed by F.R. 22C is not in dispute in this case. Hence with effect from 6.8.1985 which is the date of the repatriation of the applicant to the parent department and is promoted, the pay of the applicant is to be fixed on par with his immediate junior in accordance with the F.R. 22C.

8. In the result we direct ~~the respondents~~ to

- (a) ~~the respondents~~ to give proforma promotion with effect from 30.4.1984 and to fix the pay of the applicant notionally on par with his immediate junior w.e.f. 30.4.1984, the date on which his immediate junior was promoted and pay was fixed.
- (b) to fix the pay of the applicant in accordance with F.R. 22C w.e.f. 6.8.1985 which is the date of repatriation of the applicant from the M.T.P. Railways to the parent department and also the date on which he was promoted, on par with his immediate junior. The applicant will be entitled to all the monetary and other benefits in accordance with rules w.e.f. 6.8.1985.

(iii) In the circumstances of the case the parties shall bear their own costs.

T. C. REDDY
MEMBER (J).

Hyd
(M.Y. PRIOLKAR)
MEMBER (A).