

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No:1025/96.

Date of Decision:12/3/99

Prakash Subramaniam Iyer & Arun Kumar Jain Applicant.

Shri T.D.Ghaisas Advocate for Applicant.

Versus

Union of India & Anr. Respondent(s)

Shri S.C.Dhawan Advocate for Respondent(s)

CORAM:

Hon'ble Shri.Justice R.G.Vaidyanatha, Vice Chairman.

Hon'ble Shri.D.S.Baweja, Member(A).

- (1) To be referred to the Reporter or not? *Mc*
- (2) Whether it needs to be circulated to other Benches of the Tribunal? *NO*

abp.


(R.G. VAIDYANATHA)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GULESTAN BLDG. NO. 6, 4TH FLR, PRESCOT RD, FORT,
MUMBAI - 400 001.

ORIGINAL APPLICATION NO: 1025/96.

DATED THE 12TH DAY OF MARCH, 1999.

CORAM: Hon'ble Shri Justice R.G. Vaidyanatha, Vice Chairman.

Hon'ble Shri D.S. Baweja, Member(A).

Prakash Subramaniam Iyer,
 R/o. Flat No. 4, Indrasagar Apartment,
 R.N. Tagore Road,
Civil Lines, Nagpur - 440 001.

Arun Kumar Jain,
 R/o. House No. 177/86, Opposite
 Kasturba Library,
 Tukaram Chawl,
Sadar, Nagpur-1.

... Applicant.

By Advocate Shri T.D. Ghaisas.

v/s.

1. Union of India,
 through General Manager,
 Central Railway,
 Bombay C.S.T.,
Mumbai - 400 001.
2. The Chief Personnel Officer,
 (Signal and Telecommunications),
 Central Railway,
 Office of the General Manager,
 Mumbai C.S.T.,
Mumbai - 400 001.

... Respondents.

By Advocate Shri S.C. Dhawan.

ORDER

¶ Per Shri R.G. Vaidyanatha, Vice Chairman ¶

When the case is called out, Shri T.D. Ghaisas, counsel for applicant prays for time to take instructions from his client. Counsel for respondents opposes granting of time on the ground that the issue raised in this case is covered by number of decisions of Supreme Court.

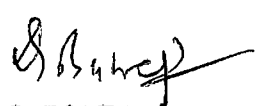
In the present case, claim of the applicants is that they are entitled to stepping up of pay on the ground that their junior Shri B.R. Chauhan who was promoted earlier is getting more pay. Therefore this is a case of

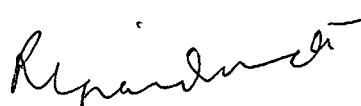


senior ~~is~~ claiming stepping up of pay because the junior ~~is~~ is promoted earlier, is getting more pay.

2. In our view, the question is clearly covered by number of decisions of Supreme Court. In Union of India and Anr. v/s. R. Swaminathan, reported at 1997(2) SC SLJ 383, where the Supreme Court has clearly held that when a junior is getting more pay because of adhoc or local promotion, the senior cannot claim stepping up of pay on that ground.

3. In our view, on the law declared by Apex Court, the OA is rejected at admission stage. MP-50/99 does not survive. No order as to costs.


(D.S. BAWEJA)
MEMBER (A)


(R.G. VAIDYANATHA)
VICE CHAIRMAN

abp.