

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO. 678 OF 1996

WEDNESDAY, THE 2ND DAY OF MAY 2001

SHRI JUSTICE BIRENDRA DIKSHIT .. VICE CHAIRMAN  
SHRI B.N. BAHADUR ... MEMBER (A)

M. Vasudevan,  
presently working as  
Accounts officer in the office GM (E) II,  
Mahanagar Telephone Nigam Limited,  
1st Floor, Central Telephone Exchange  
Building, Thane-400 601. .. Applicant

By Advocate Shri A.I. Bhatkar

Vs.

1. Union of India  
through Secretary,  
Ministry of Communication,  
Sanchar Bhavan,  
New Delhi.
2. Chief General Manager,  
Manager Telephone Nigam Ltd.,  
Telephone House,  
Prabhadevi, Mumbai-400 028. ... Respondents

By Advocate Shri R.C. Kotiankar.

O R D E R (ORAL)

Shri B.N. Bahadur. ... Member (A)

The applicant in this case Shri N. Vasudevan comes upto this Tribunal seeking the relief, in substance, for the stepping up of his pay and providing him fixation of pay at par with that of his junior Shri RC Dhala. The facts of the case are that the applicant was promoted as Accounts Officer in MTNL, on 30.5.95 and his pay on his promotion was fixed at Rs. 2525/- with date of next

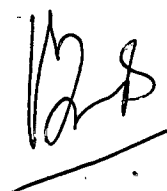
B.N.B.

increment as 1.5.96. The applicant avers that one Shri R.C. Dhala, who is junior to him was also promoted on the same day. But his pay on promotion was fixed at Rs.2675/with next date of increment as 1.4.96. The applicant comes up for relief as mentioned above, on the basis of this grievance. The learned counsel on behalf of both sides have been heard in the matter.

2. It is an admitted fact that the case is covered by the ratio of the judgment made by the Hon'ble Supreme Court in the matter of Union of India Vs. R. Swaminathan (1997 (2) SC SLJ 383). The Hon'ble Supreme Court has held that enhanced pay drawn by a junior because of adhoc functioning or regular service rendered by him in the higher post for earlier period compared to his senior is not an anomaly.

3. In the present case also the respondents state that Shri RC Dhala had been granted local promotion on adhoc basis against short term vacancy, earlier, and fixation of higher pay has resulted only for this reason.

4. Under the circumstances, the case is clearly covered by the aforesaid judgment of the Hon'ble Supreme Court and the relief sought by the applicant cannot, therefore, be provided to him.



5 In the consequence, the OA fails and dismissed  
with no order as to costs.

*B.N. Bahadur*

(B.N. BAHADUR)  
MEMBER (A)

*B. Dikshit*

(BIRENDRA DIKSHIT)  
VICE CHAIRMAN

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