

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 320/1996

Date of Decision: 5.3.97

Shri K.P.P. Nair

Petitioner/s

Ms. Kanchan Karangutkar

Advocate for the
Petitioner/s

V/s.

~~Controller General of Defence~~
Accounts, West Block No.5 R.K. Puram
New Delhi.

Respondent/s

Shri R.K. Shetty.


Advocate for the
Respondent/s

CORAM:

Hon'ble Shri **P.P. Srivastava**, Member(A)

Hon'ble Shri

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to
other Benches of the Tribunal ?


(P.P. Srivastava)
Member(A)

NS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH 'GULESTAN' BUILDING NO: 6
PRESCOT ROAD, BOMBAY-1.

Original Application No. 320/96

Wednesday the 5th day of March 1997.

CORAM: Hon'ble Shri P.P. Srivastava, Member (A)

K.P.P. Nair
Indian Inhabitant,
Senior Chhargeman
Incharge Instrument Section
Artillery Static Workshop EME
Devlali, Nasik.

... Applicant.

By Advocate Ms. Kanchan Karangutkar.

V/s.

Controller General of
Defence Accounts
West Block No.5,
R.K. Puram, New Delhi.

... Respondents.

By Advocate Shri R.K. Shetty.

ORDER (ORAL)

¶ Per Shri P.P. Srivastava, Member (A) ¶


Heard counsel for the parties.

2. The applicant in this case was promoted from the post of Instrument Mechanic to the post of Senior Chhargeman in the pay scale of Rs. 1400 - 2300. The learned counsel for the respondents was directed to produce the list showing the duties and responsibilities of both the posts. Shri Shetty has produced the list showing the duties and responsibilities of both the posts. The post of Chhargeman certainly has higher responsibilities and it is a supervisory post and therefore presumption that the responsibility should be treated as similar when the scale are same cannot be applicable in this case.

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3. The basic requirement of fixing pay by giving one increment under FR 22 is that the duties of the post to which an employee is promoted should be higher. This condition is satisfied in this case. In this connection this Tribunal has taken a similar view in OA 1435/95 and O.A. 1125/96 decided on 9.1.97. I am therefore, of the view that the applicant would be entitled to fixation of the pay under FR 22 by giving one increment as per Rules.

4. The applicant was promoted in the year 1986, however the applicant has filed this O.A. in 1996. Therefore arrears will be paid from one year prior to the filing of the O.A. which in this case is 30.1.96. Therefore the applicant will be paid arrears of pay as a result of this fixation from 31.1.95. From the date of his promotion in 1986, he should be given proforma fixation upto 31.1.95. His settlement dues thereafter, be calculated according to new pay. All the arrears arising out from this decision be made within a period of four months from the date of receipt of this order. O.A. is disposed of accordingly. No order as to costs.


(P.P. Srivastava)
Member (A)

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