

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 B.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)

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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 Chargeman  
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.

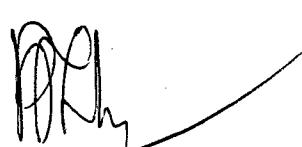
By Advocate Shri R.K. Shetty.

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 Chargeman 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 Chargeman 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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