

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.: 1056/99

Date of Decision : 10.1.2000.

Shri P. D. Kawade Applicant.

Advocate for the

Applicant in person Applicant.

VERSUS

Union of India & Others. Respondents.

Advocate for the

Respondents.

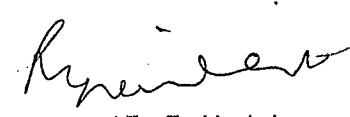
CORAM :

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

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

- (i) To be referred to the Reporter or not ?
- (ii) Whether it needs to be circulated to other Benches of the Tribunal ?
- (iii) Library

} NO  
✓

  
(R.G.Vaidyanatha)  
Vice Chairman

mrj\*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO. 1056/99

Monday this the 10th day of January, 2000.

CORAM : Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman  
Hon'ble Shri D.S.Baweja, Member (A)

Prabhakar Dhondiba Kawade,  
Stenographer Gr.III,  
Department of Preventive and  
Social medicine,  
Armed Forces Medical College,  
Pune.

...Applicant

V/S.

1. Union of India through  
Defence Secretary,  
Ministry of Defence  
New Delhi.
2. Director General,  
Armed Forces medical Services,  
Ministry of Defence,  
New Delhi.
3. Commandant,  
Armed Forces medical College,  
Pune.
4. Controller of Defence Accounts  
(Southern Command),  
Near GPO, Pune.


Respondents

O R D E R (ORAL)

{Per: Shri Justice R.G.Vaidyanatha, VC}

Heard the applicant who is in person. In this application, the applicant is seeking stepping up of pay on the ground that his junior, Mrs.M.D'Souza is getting higher pay than himself.

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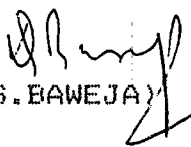



After hearing the applicant and perusing the material on record, we find that Mrs.D'Souza got one increment in 1985 and now in 1999 the applicant has come up with the grievance that his junior is getting more pay. On the face of it, the claim is barred by limitation, delay and laches.

In addition, we find that both applicant and Mrs.D'Souza appeared for test. Since Mrs. D'Souza passed the test, she was given one increment. The applicant failed in the test. But still he now wants one increment since his junior has got the increment.

In our view, when the applicant has taken a chance of appearing in the test and failed therein, he cannot say that he should get one more increment since his junior has got one more increment after passing the test.

Both on merits and on limitation, the application is devoid of merit and the same is rejected at the admission stage itself.

  
(D.S. BAWEJA)  
MEMBER (A)

  
(R.G. VAIDYANATHA)  
VICE CHAIRMAN