

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 530 of 2000.

Dated this Wednesday, the 8th day of October, 2003.

CORAM : Hon'ble Shri Justice B. Panigrahi, Vice-Chairman.
Hon'ble Shri S. P. Arya, Member (A).

Shri D. L. Choudhary,
A/c. No. 8312194,
Sr. Auditor,
Accounts Office,
M.T.P.F. Ambarnath,
Dist. Thane.

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Applicant.

(By Advocate - None present)

VERSUS

1. Union of India through
The Controller of Defence
Accounts, (Fys)/Calcutta,
10-A, Auckland Road,
Calcutta - 700 001.
 2. The Controller General of Defence
Accounts, West Block - V,
R. K. Puram,
New Delhi - 110 066.
 3. The Controller of Accounts (Fys),
I/C K.G.F., Accounts Office
Ammunition Factory,
Kirkee, Pune 411 003.
 4. The Accounts Officer,
M.T.P.F., Factory,
Ambarnath (Dist.) Thane.
- ... Respondents.

(By Advocate Shri R. R. Shetty)

O R D E R (ORAL)

PER : Shri Justice B. Panigrahi, Vice-Chairman.

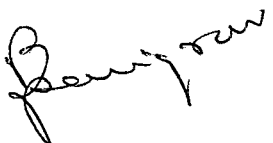
The applicant has prayed in this case for refixation of his pay and removal of the anomaly in scale of pay by which a junior has been given higher scale than him on the basis of F.R. 22 C of the provisions then available. He further claimed that his pay should be stepped up to Rs. 1560/- on par with his junior in the scale of Rs. 1400-2600 in the category of Sr. Auditor.

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2. The respondents have filed their reply whereby they stated that the applicant was alone responsible for such anomalous situation in as much as he did not opt to go over to the scale of pay which law did enjoin to submit his willingness. But so far as his junior, Shri T. P. Chandrasekharan, is concerned, he had opted to receive the new scale of pay on and from 01.11.1987, which was the date of next increment. Since the applicant did not exercise his option under F.R. 22 C whereas his junior exercised such an option in time, later on the applicant could not have any grievance against respondents for giving him lesser scale of pay. The applicant was himself responsible for causing such a situation. Although such a situation had accrued in the year 1987, we do not find any adequate reasons for sleeping over the matter for so long and to come to this Tribunal only in 2000. The application is also otherwise barred by limitation under Section 21 of the Administrative Tribunals Act, 1985.

3. Taking the case of the applicant from any angle, we could not find any justifiable reason to issue any direction for stepping up the pay of the applicant vis-a-vis that of his junior, Shri T. P. Chandrasekharan. Accordingly, the O.A. is dismissed. No order as to costs.


(S. P. ARYA)
MEMBER (A).


(B. PANIGRAHI)
VICE-CHAIRMAN

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