

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

DATED THIS SECOND DAY OF DECEMBER 1986

Present: Hon'ble Shri Justice K.S.Puttaswamy .. VICE CHAIRMAN

Hon'ble Shri P.Srinivasan .. MEMBER (A)

APPLICATION NO. 890/86(T)

M.Mariswamy,  
Provident Fund Inspector Grade II,  
Office of the Regional Provident  
Fund Commissioner, No.8. Rajaram  
Mohan Roy Road, Bangalore 25. ..Applicant

(Sri V.P.Kulkarni..Advocate)

vs.

1. The Union of India, by the  
Secretary, Ministry of Labour,  
Shrama Shakti Bhavan,  
NEW DELHI.
2. Central Provident Fund  
Commissioner, 9th Floor,  
Mayur Bhavan, Cannaught Circus,  
NEW DELHI.
3. The Regional Provident Fund  
Commissioner, No.8, Rajaram Mohan  
Roy Road, Bangalore 25. ..Respondents

(Sri M.S.Padmarajaiah..Advocate)

This application has come up for hearing before the  
Tribunal today. Hon'ble Member (A) made the following:

O R D E R

This is a transferred application received from the  
High Court of Karnataka. The applicant is currently working  
as Enforcement Officer in the office of the Regional Provident  
Fund Commissioner, Bangalore. Before he was promoted as  
Enforcement Officer, he had been working as Head Clerk. His  
Grievance in this application is that in the grade of Head  
Clerk his pay should be fixed under Rule 22-C of the Fundamental  
Rules (FR) with reference to his junior Shri V.R.Hegde.

P. Srinivasan

2. Shri V.P.Kulkarni, learned counsel for the applicant contends that under Rule 22-C, a person is entitled to have his pay stepped up to an equivalent stage with that of his junior and the applicant is, therefore, entitled to such fixation, which has been denied to him.

3. Shri M.S.Padmarajaiah, learned counsel for the respondents states that final fixation of the pay of Shri V.R.Hegde had not been made till recently because the matter was under reference to the Government of India. Now a final reply has been received by the Bangalore Office of the Provident Fund Commissioner about the fixation of pay of Shri Hegde. It was also stated that Shri Hegde had got the benefit of refixation of pay under FR-22C twice when he was appointed as UDC in-charge and subsequently when he was posted as Head Clerk and that is how he happened to draw higher pay than that of the applicant, though junior to him.

After reference to the Government it has been finally decided that the pay of Shri Hegde should be fixed in the cadre of Head Clerk under FR 22-C taking into account his pay in the cadre of UDC and not in the cadre of UDC in-charge. Shri Padmarajaiah also pointed out that the case of many other seniors of Shri Hegde are now under consideration and a final decision has not been taken in respect of any of them.

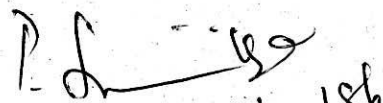
4. In the light of the submissions of counsel on both sides, we think that it would be in the interests of justice to direct the respondents to refix the pay of the applicant in the grade of

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Head Clerk under FR-22C with reference to the pay finally fixed in the case Shri V.R.Hegde under letter No.P-III/12(10)/77/KN/26331 dated 6.11.1986 addressed by the office of the Central Provident Fund Commissioner, Delhi to the Regional Provident Fund Commissioner, Karnataka, Bangalore.

5. In the result the application is allowed as indicated above.

  
Vice-Chairman

  
Member (A) 2/12/86

ak.