

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Dated: 18 NOV 1993

APPLICATION NO(s) 557 of 1993.

APPLICANTS: K.R.Srinivasan

RESPONDENTS: Deputy Director,
Postal Deptt(Accounts), Bangalore & Ors.

TO.

1. Br.M.S.Nagaraja,
Advocate, No.11,
Sujatha Complex,
Second Floor,
1st Cross,
Gandhinagar,
Bangalore-9.
2. The Deputy Director,
Postal Department(Accounts),
General Post Office Complex,
Bangalore-560 001.
3. Sri.G.Shanthappa,
Addl.Central Govt.Stng.Counsel,
High Court Bldg, Bangalore-1.

SUBJECT:- Forwarding of copies of the Orders passed by
the Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal
in the above mentioned application(s) on 09 11 1993.

for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

18/11/93

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to be signed

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CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

O.A. NO.557/93

TUESDAY THIS THE NINETH DAY OF NOVEMBER 1993

Shri Justice P.K. Shyamasundar ... Vice-Chairman

Shri V. Ramakrishnan ... Member [A]

Sri K.R. Srinivasan,
Aged 55 years,
Son of late Sri K.R. Rajagopalan,
A-1, P&T Quarters,
Indiranagar,
Bangalore-560 038.

... Applicant

[By Advocate Dr. M.S. Nagaraja]

v.

1. The Deputy Director,
Postal Department [Accounts]
GPO Complex,
Bangalore-1.

2. The Deputy Director General,
Postal Accounts,
Dak Bhavan, New Delhi.

3. Union of India represented by
Secretary to Government of India,
Ministry of Communications,
Dak Bhavan, New Delhi.

... Respondents

[By Advocate Shri G. Shanthappa ... Standing Counsel]

Shri V. Ramakrishnan, Member [A]

O R D E R

The grievance of the applicant is that he is drawing less pay at the level of Accounts Officer as compared to his junior Narayana. This situation has arisen on account of the following facts:

[i] Shri Narayana who is admittedly his junior was granted advance increments due to his passing the Revenue Audit examination in November 1974 whereas the applicant could not come out successful even though he had appeared



in the examination; and

[ii] Shri Narayana passed through the intermediary stage of Assistant Accounts Officer which stage was created subsequently whereas the applicant was promoted directly from the level of Section Officer to Accounts Officer. Shri Narayana, therefore, got the benefit of pay fixation on promotion both at the time of his appointment as AAO and subsequently as AO which was not the case in respect of the applicant.

2. When the matter had come up before us in January 1993 we had directed the Department to dispose off the representation of the applicant which was forwarded to the appropriate authority by his immediate superior. The Deputy Director [Accounts] of the Department of Posts has, however, rejected the representation on the ground that the higher pay enjoyed by Shri Narayana was on account of passing the Revenue Audit examination and as such the applicant cannot seek stepping up of pay to the level of Sri Narayana.

3. Dr. M.S. Nagaraja, the learned counsel for the applicant, submits that the applicant could not get subsequent opportunities for taking the Revenue Audit examination for the reason that he got allotted to the Accounts Wing of the Department and the revenue audit examination could be taken up by only those who were allotted to the Audit Wing. He, however, admits that the applicant appeared but could not come out successful in the examination in November 1974. As regards the other contention arising on account of the subsequent creation of an intermediary level of AAO there is a Memorandum dated 26.11.1990 of the department which seeks to remove the anomaly arising from such a situation of a senior getting less pay than the junior. However, we find from para 2[iii] of the Memorandum that one of the conditions

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for the senior to get the benefit of stepping up of pay is as under:

"2[iii] The Junior person should not have drawn more pay than the Senior by virtue of fixation of pay under normal rules or any advance increment[s] granted to him in the lower post and the anomaly should be directly as a result of the Junior person holding the intermediary post at the time of his promotion to the higher grade."

Narayana who is the junior has admittedly been drawing more pay than the applicant by virtue of grant of advance increments in lower post of Section Officer on account of his passing the Revenue Audit examination where the applicant could not come out successful. The applicant, therefore, does not fulfil the condition No.iii of para 2 of the memorandum dated 26.11.1990 and has not been extended the benefit of stepping ^{up} of pay. We find that the department has acted according to the instructions and we see no reason to interfere with their decision. Accordingly this application fails and is dismissed with no order as to costs.

PS

SD

VICE-CHAIRMAN

TRUE COPY

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE



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