

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 033.

Dated: **19 JUN 1995**

APPLICATION NO. 223 of 1995.

APPLICANTS: Mr. Alex Joseph, Bangalore-32.

V/S.

RESPONDENTS: The Director General, The Directorate General of
Quality Assurance, M/o. Defence, New Delhi and others.

To

1. Sri.D.Leelakrishnan, Advocate,
G-5, Brigade Links, 54/1,
First Main Road, Seshadripuram,
Bangalore-560 020.
2. Sri.M.S.Padmarajaiah, Senior Central
Govt. Standing Counsel, High Court Bldg,
Bangalore-560 001.

Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

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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 Fifth June, 1995.

Issued on
19/06/95
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for 
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

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CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

O.A.NO.223/1995

Monday this the Fifth Day of June, 1995

CORAM

MR.V.RAMAKRISHNAN

....MEMBER(A)

MR.A.N.VUJJANARADHYA

....MEMBER(J)

Shri.Alex Joseph,
Son of Late Jayappa,
Residing at 20/5, III Cross,
Dinnur 'A' Block,
R.T.Nagar Post,
BANGALORE - 560 032.

....Applicant

(By Advocate Shri.D.Leela Krishnan)
Vs.

1. The Director General,
Directorate General of Quality
Assurance, Ministry of Defence,
Room No.234, Sough Block,
DHQ Post, NEW DELHI -110 011.
2. The Director,
Directorate General of Quality
Assurance, (Electronics),
Room No.34, 'G' Block,
NEW DELHI - 110 011.
3. The Controller,
Controllerate of Quality Assurance
(Electronics), PO Box No.606,
J C Nagar Post Office,
BANGALORE - 560 006.

....Respondents

(By learned Standing Counsel Shri.M.S.P.)

ORDER

MR.RAMAKRISHNAN ...MEMBER(A)

Respondents filed reply today, As the pleadings
are complete, we dispose of this application after hearing
both sides.



2. The applicant herein is aggrieved by the order dated 6-12-94 (Annexure-A13) which has rejected his representation to step up his pay at par with that of his junior one Shri.Ramamurthy.

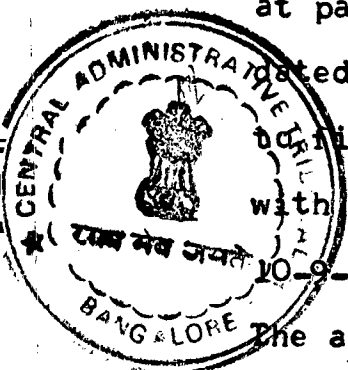
3. The applicant who is senior to Shri.Ramamurthy was considered by the same DFC for promotion to the level of Assistant Foreman and in the seniority list he was shown above Shri.Ramamurthy. However, while implementing the recommendations of the DFC, the department issued orders dated 12-5-88 (Annexure-A2) where the applicant was posted in Bangalore against the vacancy of one Shri.Nagaraja, Assistant Foreman who was promoted to a higher post in the establishment of the third Respondent, Shri.Ramamurthy who was serving in Secunderabad was posted against^{an} existing vacancy in the same station. Shri.Ramamurthy took over charge of the higher post on 19-5-1988 whereas the applicant could take over only on 10-9-88 in view of the fact that Shri.Nagaraja, was relieved much later. As Shri.Ramamurthy joined earlier he is drawing higher pay than the applicant even though he is junior. The applicant has represented to the department for stepping up his pay. His representation was rejected on 11-3-92. After such rejection the applicant again represented for reconsideration. His representation has been rejected again as in Annexure-A13 by order dated 6-12-94 for the reason that his case is not covered by the provisions of Department of Personnel OM dated 4-11-93 for stepping up of pay. In particular para-2 of this OM (enclosed as Annexure-A14) states that in such

cases, stepping up of pay of senior should not be done. Aggreived by this rejection he has filed the present application.

4. We find that the present case is covered by the principles laid down in the decision of the Tribunal in OA 523/88 filed by one Shri.Somashekara against the same third respondent, ^{where} whether the benefit of stepping up of pay ^{is} allowed. The Department has also admitted this position ⁱⁿ reply statement, as also fact that the applicant was senior to Shri.Ramamurthy in the panel. The respondents ^{have} however taken the stand that it is not obligatory on the part of the Government to extend the benefits contained in a judgement to other similarly placed persons who are not applicants before the court.

5. Keeping in view the facts and circumstances of the case and particularly the fact that the delay in the applicant's joining the higher post was on account of administrative reasons and not attributable to the applicant and following the decision in Shri.Somashekara's case referred to supra, we hold that the applicant is entitled to have his pay stepped up to be at par ^{with} by Shri.Ramamurthy. We accordingly quash the order dated 6-12-94 as at Annexure-A13 and direct the Department to fix the pay of the applicant so as to bring it at par with that of Shri.Ramamurthy notionally with effect from 10-9-88, the date on which he assumed charge of higher post. The actual financial benefits will be available to the applicant with effect from 16-1-92 that is three years prior

to filing of this application. With the above observations the application is finally disposed off with no order as to costs.



TRUE COPY

Section Officer

Central Administrative Tribunal
Bangalore Bench
Bangalore

Sd-

(A.N.VUJJANARADHYA)
MEMBER(J)

Sd-

(V.RAMAKRISHNAN)
MEMBER(A)