

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6  
PREScot ROAD, BOMBAY-1

OA No. 423/93

SMT. L. BEENAKUMARI

..APPLICANT

V/s.

Union of India & Ors.

..RESPONDENTS

Coram: Hon. Shri Justice M.S. Deshpande, V.C.

APPEARANCE:

Mr. Y R Singh  
Counsel  
for the applicant

Mr. V.S. Masurkar  
Counsel  
for the respondents

ORAL JUDGMENT:

(Per: M.S. Deshpande, Vice C.)

DATED: 16.2.1994

Two prayers have been made in the present application - one is the way of stepping up her pay with reference to the pay of Ms. T.M. Rajeshwari with effect from 4.6.86 and for quashing the order dated 12.3.1991 and the second is that the services rendered by her in the Kerala Cadre should be counted for further promotion as UDC consequent upon her transfer to Karnataka cadre.

The applicant was appointed as LDC on 20.12.82 by direct recruitment in Kerala in Central Board of Direct Taxes. She appeared for the departmental examination on 27.6.84 and was successful and came to be granted two advance

(3)

increments in the scale of Rs.260-400 which scale was revised consequent upon the IVth Pay Commission Recommendations to Rs.950-1500.

One Ms. T.M. Rajeshwari <sup>whose</sup> ~~since~~ <sup>the</sup> beginning was junior to the applicant was drawing more pay than the applicant after her transfer to Karnataka Cadre. The applicant claims stepping up of her pay so as to bring it on par with Ms. Rajeshwari's and for a declaration that her services rendered in the Kerala cadre would count for determining eligibility for further promotions.

It is apparent that the applicant fall within the category of G.I., M.F., O.M. No. F.2(78)-E.III/D/66 dated 4.2.66 which speaks of removal of anomaly as a result of F.R. 22(c). The anomaly which has resulted in the applicant drawing less pay than ~~one~~ Ms. Rajeshwary has not arisen as a consequence of revision of pay scales.

The applicant relies on the Full Bench decision in K.A. Balasubramanian V. Union of India Full Bench Judgments, CAT 209. There the question which arose for consideration was eligibility for further promotion and the Full Bench held that under the rules regular service in the grade of LDC rendered

W W W

in another unit will count for reckoning the qualifying service for purpose of promotion to the cadre of UDCs in the new unit to which an LDC is transferred even on compassionate grounds. The question of stepping up of pay does not arise in that case and the ratio of that case would not enable the applicant to ask ~~for~~ stepping up of pay in the present case. However, in view of the Full Bench judgment the applicant will have to be deemed eligible ~~as~~ if that eligibility ~~ratio has~~ with a consequence of counting total length of service which may have been rendered in Kerala and Karnataka.

While, therefore, ~~considering~~ the applicants request for stepping up of the pay by bringing it on par with Mrs. T M Rajeshwari, the respondents are directed that the applicant is entitled to count his service rendered in the Kerala for the purpose of further promotion as UDC. There would be no order as to costs.

  
(M.S. Deshpande)  
Vice Chairman