

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR.

O.A.NO. 452/93
TR.A.NO.

199

DATE OF DECISION 26.4.1994

Shri B.N.Banerjee Applicant(s)

Versus

Union of India & Ors. Respondent(s)

1. Whether it be referred to the Reporter or not ? M
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? K.D.

MEMBER


(M.S.DESHPANDE)

VICE CHAIRMAN

mbm:

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

CAMP : NAGPUR

(X)

OA NO. 452/93

Shri B.N.Banerjee ... Applicant

V/S.

Union of India & Ors. ... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande

Appearance

Shri M.K.Deshpande,
Advocate
for the Applicant

Shri M.G.Bhangade
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 26.4.1994

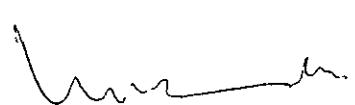
(PER: M.S.Deshpande, Vice Chairman)

The only question which arises in the present case is whether the applicant would be entitled to stepping up of pay on par with his junior C.B.Deshmukh. The applicant was appointed as a Lower Division Clerk (LDC) on 31.5.1955 while Deshmukh was appointed as LDC on 14.10.1958. The applicant was promoted as Junior Accounts Officer on 22.1.1979 when his pay was Rs.600/- and by earning an increment on 1.1.1980 it became Rs.620/-. Deshmukh was promoted as non-functional Selection Grade on 23.5.1980 and his pay was fixed at Rs.580/-. When he was promoted as Junior Accounts Officer on 28.10.1980 he was drawing Rs.640/-. The applicant urges that this anomaly should be set right by stepping up his pay and pay the arrears.

2. From the ^{poshim} factual facts, it is apparent that the applicant is entitled for stepping up of pay from 28.10.1980. He would be entitled to draw all his increments on that basis

thereafter. The applicant's learned counsel states that the applicant had made a representation 9.10.1984 and that representation was rejected on 4.5.1988. The applicant did not move the Tribunal after the representation was rejected on 4.5.1988. However, the cause of action for getting the pay stepped up would be recurring as the applicant would stand to lose every month and limitation would not come in the way of the applicant getting the pay stepped up. The learned counsel for the applicant urged that arrears consequent to stepping up were granted in some other cases but it is apparent that the issue of limitation was not considered in those cases. The matter was considered by the Madras Bench of this Tribunal in OA.1308/93 decided on 24.1.1994. There the arrears were restricted to the period of one year. I am bound to take the same view in the present case.

3. The respondents are directed to notionally step up the pay of the applicant to Rs.640/- w.e.f. 28.10.1980 that being the date from which his junior C.B.Deshmukh was drawing that pay and his pay shall be fixed on the basis of such stepping up and he shall be paid the arrears for one year prior to the filing of this application, i.e. 12.4.1992 and the following periods. This be done within two months from the receipt of a copy of this order by the respondents.


(M.S.DESHPANDE)
VICE CHAIRMAN

mrj.