

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 1309/94

Transfer Application No.

Date of Decision

7/12/95

Shri N.V.Nadgauda

Petitioner/s

Shri S.P.Saxena

Advocate for
the Petitioners

Versus

Union of India & Ors.

Respondent/s

Shri R.K.Shetty

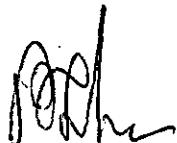
Advocate for
the Respondents

CORAM :

Hon'ble Shri. P.P.Srivastava, Member (A)

Hon'ble Shri.

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to other Benches of the Tribunal ?



(P.P.SRIVASTAVA)

MEMBER (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

OA.NO. 1309/94

Shri N.V.Nadgauda
V/S.

... Applicant

Union of India & Ors. ... Respondents

CORAM: Hon'ble Member (A) Shri P.P.Srivastava

Appearance

Shri S.P.Saxena
Advocate
for the Applicant

Shri R.K.Shetty
Advocate
for the Respondents

JUDGEMENT

Dated: 7/12/95

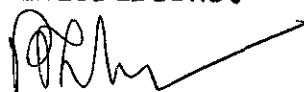
(PER: P.P.Srivastava, Member (A))

The applicant had joined the service as Supervisor in the year 1957. He was promoted to the post of Foreman w.e.f. 19.4.1972 in the grade of Rs.840-1040. The applicant was further promoted as Junior Scientific Officer on 24.1.1986. The applicant is comparing his pay with one Shri M.P. Sahasrabudhe who was junior to the applicant and was promoted to the grade of Foreman in December, 1973 and later on opted to become Principal Foreman in Grade Rs.840-1200. Sahasrabudhe opted to join as Principal Foreman while the applicant did not opt for the category of Principal Foreman as the rules did not permit the Principal Foreman to compete for further promotion to the post of Assistant Scientific Officer. However,



later on the respondents changed the rules and the post of Foreman and Principal Foreman were merged pay into one/scale of Rs.2375-3500 by 4th Pay Commission w.e.f. 1.1.1986. After this merger the pay of the applicant was fixed at Rs.3050/- in the revised scale and the pay of Sahasrabudhe was fixed at Rs.3300/- in the revised pay scale. By virtue of the merger of the scale Sahasrabudhe also became eligible for the post of JSO and was later on selected and promoted as JSO on 22.3.1988 and his pay was fixed at Rs.3500/- on that date. On 22.3.1988 the applicant's pay was Rs.3400/- and therefore anomaly has arisen in the cadre of Junior Scientific Officer where the applicant is drawing less pay than Sahasrabudhe although the applicant is senior to Sahasrabudhe.

2. The main cause of the anomaly is the change in the rules which permitted the incumbent of the post of Principal Foreman like Sahasrabudhe to opt for the post of Junior Scientific Officer after the Grade of Foreman and the Principal Foreman were merged as a result of recommendations of 4th Pay Commission from 1.1.1986. There is no doubt that the applicant would have also opted for the post of Principal Foreman if the channel of promotion had not been blocked at that time when the options were called for the said post. Since Sahasrabudhe has been permitted to appear in the selection for JSO, the applicant has a genuine grievance regarding his fixation of pay vis-a-vis Sahasrabudhe.



3. I am satisfied that all the conditions for stepping up of pay are satisfied in this case and the applicant is entitled to fixation of his pay vis-a-vis Sahasrabudhe from 22.3.1988 in as much as the pay of the applicant should be fixed equal to that of Sahasrabudhe on that date.

4. As far as the question of limitation is concerned, it is a fact that the applicant has come up through this OA. on 7.11.1994 and therefore he will be entitled to payment of actual benefit from 7.11.1993 onwards. Since the applicant has retired on 31.7.1993, his settlement dues should be calculated on notional basis by fixing his pay equal to Sahasrabudhe on 22.3.1988 but the actual payment of the pension at the enhanced rate would be available only from 7.11.1993. The payment of the dues on account of the above directions should be made to the applicant within a period of two months from the date of receipt of this order. The OA. is disposed of with the above directions. There would be no order as to the costs.



(P.P.SRIVASTAVA)

MEMBER (A)

mrj.