

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Original Application No: 1076/94

Date of Decision: 5.6.1998

Mrs. S.Radha

Applicant.

Shri A.I.Bhatkar

Advocate for  
Applicant.

Versus

Union of India & Ors.

Respondent(s)

Shri V.S.Masurkar

Advocate for  
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G.Vaidyanatha, Vice Chairman

Hon'ble Shri. D.S.Baweja, Member (A)

- (1) To be referred to the Reporter or not? *no*
- (2) Whether it needs to be circulated to other Benches of the Tribunal? *no*

*D.S. Baweja*  
(D.S.BAWEJA)  
MEMBER (A)

*R.G. Vaidyanatha*  
(R.G.VAIDYANATHA)  
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI

OA.NO. 1076/94

Friday this the 5th day of June, 1998

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman  
Hon'ble Shri D.S.Baweja, Member (A)

Mrs. S.Radha  
C/o. Shri A.I.Bhatkar,  
Advocate, 4/13, Mohamad  
Hussain Chawl, Opp. Antop  
Hill Post Office, Wadala,  
Bombay-400 037.

By Advocate Shri A.I.Bhatkar

... Applicant

V/S.

1. Union of India  
through Secretary,  
Ministry of Communications,  
Department of Telecommunications,  
Sanchar Bhavan, New Delhi.
2. The Chief General Manager,  
Mahanagar Telephone Nigam Ltd.,  
Telephone House, V.S.Marg,  
Prabhadevi, Bombay-400 028.

By Advocate Shri V.S.Masurkar  
C.G.S.C.

... Respondents

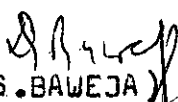
O R D E R

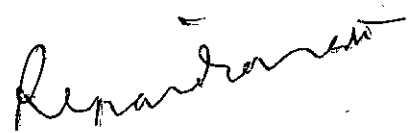
(Per: Shri Justice R.G.Vaidyanatha, VC)

In this case the applicant is challenging the stepping up of pay on the ground that his junior is getting more pay. But the respondents' contention is that the junior is getting more pay in view of adhoc promotion. We have heard the learned counsel appearing on both sides. It is not necessary to mention the facts in detail since the point is covered by recent Apex Court decision. In the case reported in 1997 (2) S.C. SLJ 383 (Union of India & Anr. vs. R. Swaminathan etc. etc.), the Supreme Court has held

*[Signature]*

that if a junior is getting more pay because of adhoc promotion, the senior is not entitled to stepping up of pay or make a grievance that his junior is getting more pay. In view of the law laid down by the Apex Court, the application is not maintainable. However, in this case the learned counsel for the applicant has mentioned that a Review Application has been filed before the Supreme Court in that case. If the Review Application succeeds in the Supreme Court, the applicant will be at liberty to file a fresh OA. In view of this, the OA. is not maintainable and is dismissed. In view of the dismissal of the OA., the M.P. for amendment does not survive and is accordingly dismissed.

  
(D.S. BAWEJA)  
MEMBER (A)

  
(R.G. VAIDYANATHA)  
VICE CHAIRMAN

mrj.

(5)