

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NOS.: 1040/94 AND 1057/94.

Dated this Thursday, the 8th day of July, 1999.

CORAM : HON. SHRI JUSTICE S. VENKATARAMAN, VICE-CHAIRMAN.  
HON. SHRI S. K. GHOSAL, MEMBER (A).

V. R. Samant,  
Asstt. Engineer, V.F.T.  
Maintenance,  
Fountain Telecom Bldg. I,  
3rd. Floor,  
Bombay - 400 023.

Residing at -

Krupa Prasad,  
Dawood Bagh Road,  
Bombay - 400 058.

... Applicant in  
O.A. No. 1040/94.

B. R. Annigeri,  
Asstt. Engineer,  
Co-axial Maintenance,  
Fountain Telecom Bldg. -I,  
4th Floor, Bombay-400 023.

Residing at -

Joshi Wadi,  
Brahmanali Papady Vasai,  
Dist. Thane - 401 207.

... Applicant in  
O.A. No. 1057/94.

(By Advocate Ms. S. Gode for  
Shri G. K. Masand).

VERSUS

1. Union Of India through  
The Secretary,  
Department of Telecommunication,  
New Delhi.
2. The Chairman,  
Telecom Commission,  
Department of Telecommunication,  
New Delhi.

3. The Chief General Manager,  
Maintenance,  
Western Region,  
Telephone House,  
12th Floor, V.S. Marg,  
Prabhadevi, Bombay-400 028.

... Respondents in  
both the O.As.

(By Advocate Shri S. S. Karkera  
for Shri P. M. Pradhan).

ORDER (ORAL)

PER.: SHRI JUSTICE S. VENKATARAMAN, VICE-CHAIRMAN.

The applicants have filed these applications seeking stepping up of their pay in par with their junior Shri A.G.N. Pai on the ground that the junior who had been given adhoc promotion earlier and whose pay was ~~affected~~ <sup>protected</sup>, is now getting more than the pay drawn by them. The applicants have relied upon the judgement of the Tribunal in support of their claim. However, the Apex Court in Union Of India & Others V/s. R. Swaminathan reported in 1997 SCC (L&S) 1852 has held that stepping up can be given only in cases covered by F.R.-22 or by relevant Government orders and that if the junior is getting more pay than the senior on account of he having worked in the higher post on adhoc basis, his seniors would not be entitled to stepping up of pay. In view of this decision of the Apex Court, the applicants' claim for stepping up cannot be sustained.

2. For the above reasons, both the applications fail and ~~it is~~ <sup>they are</sup> accordingly dismissed. No costs.

(S. K. GHOSAL)  
MEMBER (A).

(S. VENKATARAMAN)  
VICE-CHAIRMAN.