

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, CAMP AT PANAJI?  
DIRECTOR OF EDUCATION, CONFERENCE HALL?  
18TH JUNE ROAD, PANAJI, GOA - 403 001.

O.A. 1356/94.

Date : 10.4.1997.

Coram: Hon'ble Shri B.S. Hegde, Member (J)  
Hon'ble Shri P.P. Srivastava, Member (A)

B. Meenaih  
Head Assistant  
Indian Bureau of Mines,  
New National Highway,  
Near Arlem Breweries,  
P.O. Fatorda, Madgaon,  
GOA - 403 602.

.. Applicant.

(By Advocate : Applicant in person)

Vs.

1. Shri O.P. Sachdeva,  
Controller General,  
Indian Bureau of Mines,  
Indira Bhavan, Civil Lines,  
NAGPUR - 440 001.

2. Shri C.P. Ambesh,  
Head of Office,  
Indian Bureau of Mines,  
Indira Bhavan, Civil Lines,  
NAGPUR - 440 001.

3. Shri R.M. Shah,  
Assistant Adm. Officer (NG),  
Indian Bureau of Mines,  
Indira Bhavan, Civil Lines,  
NAGPUR - 440 001.

4. Shri Prem Singh,  
Regional Controller of Mines,  
Indian Bureau of Mines,  
New National Highway,  
Near Arlem Breweries,  
P.O. Fatorda, Madgaon,  
GOA - 403 602.

.. Respondents.

(By Advocate Shri Shashikant Hoshia, Govt. Counsel)

O R D E R

( Per : B.S. Hegde, Member (J)

The applicant who has joined as L.D.C. with  
~~in the respondents~~ effect from 24.7.1970 and further promoted as U.D.C.  
with effect from 29.3.1982, whereas Shri P. Sudarshan ~~Sho~~ in  
junior to ~~the~~ applicant was appointed as L.D.C. with  
effect from 27.7.1971. The said junior was promoted to

*AB*

the post of U.D.C. on 17.3.1987. Though they were appointed in the same scale and Shri P. Sudarshan is junior to the applicant however since he had rendered 7 years of service in Army and Government of India's decision No.5 under FR 27, the service rendered by Shri P. Sudarshan as Combatant Service in Military Department from 1962 to 1970 is treated as equivalent to service as L.D.C. in this department and accordingly his pay was fixed at Rs.131/- P.M. with effect from 27.7.1971 in the scale of pay Rs.110/- to Rs.180/- with annual increment due on 27.7.1972 and thus he was given 7 advance increments, this the applicant has challenged in this O.A. seeking for stepping up of his pay under FR 22 (C) Govt. of India's order thereunder. Since the anomaly of drawing less pay than the junior has arisen not directly by way of application of FR 22 (C) and Govt. of India's order, thereunder, but the anomaly has actually arisen by virtue of 7 years in military service rendered by P. Sudarshan who is otherwise junior to the applicant has been granted with 7 increments; thereby his pay is more than the applicant. The applicant does not fulfill the requisite conditions for stepping up of pay as laid down in Govt. of India's decision no.23 under FR 22(C) therefore, the request for stepping up of pay cannot be acceded to.

2. In view of above, we find no merit in the application and the O.A. is dismissed with no order as to the costs.

  
( P.P. SRIVASTAVA )  
MEMBER (A)

  
( B.S. HEGDE )  
MEMBER (J).