

(S)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 382/94

Transfer Application No:

DATE OF DECISION: 2.1.1995

Shri George, T. Petitioner

Shri G.S.Walia Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Shri N.K.Srinivasan Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri

1. To be referred to the Reporter or not ? W
2. Whether it needs to be circulated to other Benches of the Tribunal ? NO

  
(M.S.DESHPANDE)

VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY

(6)

OA.NO. 382/94

Shri George , T. ... Applicant

V/S.

Union of India & Ors. ... Respondents

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

Appearance

Shri G.S.Walia  
Advocate  
for the Applicant

Shri N.K.Srinivasan  
Advocate  
for the Respondents

ORAL JUDGEMENT

Dated: 2.1.1995

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

The only question which arises for consideration in this case is whether the applicant is entitled to stepping up of pay to equate to those of his juniors.

2. It is not necessary to mention many dates. Suffice is to say that the applicant was working in the Western Railway as a Tally Clerk. Two persons V.N.Mishra and N.B.Shukla joined the same department, i.e. S&C department on 20.12.1971 and the applicant continued to be shown as senior to them through out the period of his service until his superannuation on 31.5.1993. Mishra and Shukla approached the Gujarat High Court which passed an order on 12.11.1979 directing that all the petitioners before it to be given the scale of Rs.110-180 as Tally Clerks and to pass proper order in accordance with law. This order came to be passed upon a statement being made by the respondents, Western Railway before the Gujarat High Court. There is no dispute



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about the fact that by the order dated 8.9.1992 (Ex. 'D' to the petition) the direction came to be implemented and with the annual increments granted V.N.Mishra started getting Rs.1640/- from 1.11.1991, this benefit not having been granted to the applicant the present application was filed on 10.3.1994. An objection has been raised on the ground of limitation to the filing of the present application for stepping up of the applicant's pay so as to bring it on par with that of Mishra. It is apparent that the cause of action in respect of stepping up of pay is a recurring cause of action and the applicant is entitled to stepping up of pay with that of Mishra.

3. The only direction which shall have to be issued <sup>in view of</sup> ~~under~~ the provisions of Section 21 of the Administrative Tribunal Act, 1985 will be to fix the applicant's pay notionally so as to bring it on par with that of Mishra through out and grant to the applicant the benefits of pay fixation as well as retiral benefits on the basis of the pay which shall come to be fixed on 10.3.1993. The applicant will be entitled to arrears of pay from 10.3.1993 to 31.3.1994 and the retiral benefits including fixation of pension on the basis of Last Pay Drawn. These benefits shall be calculated and arrears from 10.3.1993 only be paid to the applicant within four months from the date of communication of this order. No order as to costs.

.....  
(M.S.DESHPANDE)  
VICE CHAIRMAN

mrj.