

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 1311/94  
Transfer Application No. ---

Date of Decision : 12-10-1995

H.F. Chaudhari & Ors.

Petitioner

Mr. H.Y. Deo

Advocate for the  
Petitioners

Versus

~~Mr.~~ U.O. I & Ors.

Respondents

Mr. S.S. Karkera

Advocate for the  
respondents

C O R A M :

The Hon'ble Shri M.R. Kolhatkar, Member(A)

The Hon'ble Shri

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

*M.R. Kolhatkar*

(M.R. KOLHATKAR)  
(A)

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A. .1311/94

H.F.Chaudhari & 3 Ors. .. Applicants

-versus-

Union of India & Ors. .. Respondents

Coram: Hon'ble Shri M.R.Kolhatkar,  
Member(A )

Appearances:

1. Mr.H.Y.Deo  
counsel for the  
Applicant.
2. Mr.S.S.Karkera  
counsel for the  
Respondents.

ORAL JUDGMENT: Date: 12-10-1995  
(Per M.R.Kolhatkar, Member(A) )

In this O.A. u/s.19 of the A.T.Act ,  
the four applicants have challenged the circular dated  
31-5-1993 from the Department of Telecommunications  
on the subject of "Stepping up of pay of Senior  
in case Junior drawing more pay due to fortuitous  
increase of pay" which says that the benefits of  
judgment in the case of N.Lalitha and others  
rendered by Hyderabad Bench cannot be extended  
to similarly placed other Govt. servants and  
such representations should not be forwarded  
to the Directorate. They have further prayed  
to step up the pay of the applicants at par with  
Shri K.Shankaranarayanan, who is an Accounts Officer  
working with Tamil Nadu circle but working in a  
common cadre which is an All India cadre. It is  
contended that seniority of the applicants is ,  
1015, 903,1014 and 939 respectively as compared  
to 1035 of K.Shankaranarayanan and that on regular  
promotion of K.Shankaranarayanan w.e.f. 25-4-91 ,  
he began to draw pay of Rs.2,750/- as compared to

that of Rs.2,375/-, in respect of applicant No.1 and Rs.2,450/- in respect of applicants No.2 to 4 w.e.f. 16-4-1991. The relief is claimed by invoking FR 22C. The O.A. has been filed on 9-11-94 whereas the discrepancy arose on 25-4-1991. It is argued by the counsel for the applicants that they could not file the application immediately because the Blue Book containing the seniority was received just shortly before the filing of the application. The applicants rely on the judgment rendered by this Tribunal in O.A.926/93 and several sister O.A.s decided by this Tribunal on 19-7-1994. In this case also the applicants compared their case to that of K.Shankaranarayanan. The applicants also relied on the division bench judgment in the case of A.M.Narasimha Rao and Ors. vs. U.O.I., O.A. No. 271/94 and 368 to 389/94 decided by Bangalore Bench on 19-7-1994.

2. The respondents have opposed the case of the applicants on the ground that the applicants are not entitled to make the claim under FR 22C because K.Shankaranarayanan belongs to a different circle. The same contention was raised in O.A. referred to earlier viz. K.Ramachandran vs. U.O.I. and it was held that "the unit for making short term appointments cannot be confused with the cadre which is to be considered for stepping up of the pay". In our view, therefore, the issues raised in this application are no longer res-integra and we are inclined to pass an order similar to the order passed in K.Ramchandran & Ors. The O.A. is therefore disposed of by passing the following order:

O R D E R

O.A. is allowed.

I direct that the pay of applicants be brought on par with Shri K. Shankaranarayanan w.e.f. 25-4-91 on notional basis and the applicants be paid arrears for the period one year prior to the date of filing of this application.

There will be no order as to costs.

Implementation of judgment to be done within three months of date of communication.

*M R Kolhatkar*

(M.R. KOLHATKAR)  
Member (A)

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