

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO.1102 &
ORIGINAL APPLICATION NO.1103/95

Dated this Tuesday the 29th Day of February, 2000

Coram : Hon'ble Shri Justice R.G. Vaidyanatha, Vice Chairman
Hon'ble Shri B.N. Bahadur, Member (A).

S.Nanjunda Swamy
presently working as Accounts
Officer in Telecom Civil Wing,
Kolhapur, Maharashtra.
Notice to be served through
Shri A.I. Bhatkar, Advocate,
4/13, Mohamed Hussain Chawl,
Opp. Antop Hill Post Office,
Wadala, Bombay - 400 037.

.. Applicant in
OA 1102/95

P.S. Jayaraman,
presently working as Accounts
Officer (TP) in the office of
the TDE Sangli, Maharashtra -
Notice to be served through
Shri A.I. Bhatkar, Advocate,
4/13, Mohamed Hussain Chawl,
Opp. Antop Hill Post Office,
Wadala, Bombay - 400037.

.. Applicant in
OA 1103/95

(By Advocate Shri A.I. Bhatkar)

Vs.

1. Union of India, through
Secretary, Ministry of
Communications, Department
of Telecommunications,
Sanchar Bhavan, New Delhi.

.. Respondents.

2. Chief General Manager,
Maharashtra Telecom Circle,
GPO Bldg., Bombay - 400001.

(By Advocate Shri P.M. Pradhan)

O R D E R (Oral)

These are the two applications where the two
applicants are claiming for stepping up of pay. The

Respondents have filed their reply. We have heard Mr.A.I. Bhatkar, Learned Counsel for the applicants and Shri Karkera for Shri P.M. Pradhan, Learned Counsel on behalf of the Respondents.

2. We need not mention the detailed facts since the point is covered by a direct authority of the Supreme Court.

In both the cases the applicants are claiming for stepping up of pay on the ground that their junior Shri R.C. Chakraborty is getting more pay and therefore their pay should be stepped up.

The Respondents contention is that Shri Chakraborty is getting more pay because of his local officiating promotion and therefore the applicant cannot claim the benefit of stepping up of pay.

3. Now the question is no longer res integra as Supreme Court in Swaminathan's case (1997 (2) SCSLJ 384) ~~has~~ is held that ^{when} junior is getting more pay because of officiating or ad-hoc promotion, ~~therefore~~ ^{being} they are not entitled to stepping up of pay. In view of the law declared by the Apex Court the applicants are not entitled to the benefit of stepping up of pay.

4. In the result both the applications are dismissed with no order as to costs.

(B.N. BAHADUR)
MEMBER (A)

(R.G. VAIDYANATHA)
VICE CHAIRMAN.