

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.5/95

10/8/99

T.Manickavachagam & Ors.

Applicant.

Mr. A.I.Bhatkar

Advocate for
Applicant.

Versus

Union of India & Anr.

Respondent(s)

Mr.V.S.Masurkar and
Mr.S.S.Karkera for Mr.P.M.Pradhan

Advocate for
Respondent(s)

CORAM :

Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairma,

Hon'ble Shri B.N.Bahadur, Member (A).

(1) To be referred to the Reporter or not?

(2) Whether it needs to be circulated to other Benches of the Tribunal?

R.G.Vaidyanatha
(R.G.VAIDYANATHA)
VICE-CHAIRMAN

B.

(10)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.5/1995.

Tuesday, this the 10th day of August, 1999.

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

1. T.Manickavachagam
2. P.Narayana
3. A.Irudayaraj
4. A.Sivamanickam
5. R.Chandrasekaran
6. N.Narayana Pillai
7. T.Balasuramanian
8. R.Krishnaswamy
9. V.Mani
10. N.Chandrasekaran
11. T.P.L.Murthy
12. V.Sambasivan
13. K.Selvaraj
14. P.S.Retawade
15. P.Veerasubramanian,
through A.I.Bhatkar,
Advocate,
4/13, Mohamed Hussain Chawl,
Opp. Antop Hill Post Office,
Wadala,
Bombay - 400 037.

...Applicants.

(By Advocate Mr.A.I.Bhatkar)
Vs.

1. Union of India,
through Secretary,
Ministry of Communications,
Department of Telecommunications,
Sanchar Bhavan,
New Delhi.
2. Chief General Manager,
Mahanagar Telephone Nigam Ltd.,
Telephone House, V.S.Marg,
Prabhadevi,
Bombay - 400 028.

...Respondents.

(By Advocate Mr.V.S.Masurkar for R-1 and
by Mr.S.S.Karkera for Mr.P.M.Pradhan)

: O R D E R :

(Per Shri Justice R.G.Vaidyanatha, Vice-Chairman)

In this application, the applicants are claiming stepping up of pay on the ground that their juniors are getting more pay. The respondents have filed reply opposing the application. We

have heard Mr.A.I.Bhatkar, the learned counsel for the applicants, Mr.V.S.Masurkar, the learned counsel for R-1 and Mr.S.S.Karkera for Mr.P.M.Pradhan, the learned counsel for R-2.

2. A perusal of the O.A. shows that the ground on which the applicants are claiming stepping up of pay is that their juniors are getting more pay due to ad-hoc or officiating promotion which is a fortuitous circumstance and therefore applicants being seniors are entitled to get pay on par with their juniors. The applicants also say that there are number of judgments given by various Benches of this Tribunal giving stepping up of pay on identical grounds where a junior is getting more pay due to ad-hoc or officiating promotion.

3. The stand of the respondents is that applicants are not entitled to stepping up of pay since juniors were getting more pay due to ad-hoc or officiating promotion.

4. In our view, we need not consider the question on first principles, since the matter is covered by a direct decision of the Apex Court in Union of India Vs. R.Swaminathan (1997(2) S.C. SLJ 383), where the Supreme Court has ^{clearly} ~~fairly~~ held that if the junior is getting more pay due to officiating or ad-hoc promotion then the senior is not entitled to stepping up of pay. In view of the law declared by the Apex Court, the applicants in this case are not entitled to the relief of stepping up of pay. Hence no relief can be granted to the applicants.

5. In the result, the O.A. fails and is dismissed. No order as to costs.

B.N.Bahadur
(B.N.BAHADUR)

MEMBER(A).

R.G.Vaidyanatha
(R.G.VAIDYANATHA)

VICE-CHAIRMAN