

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO: 208/95 and 374/96

DATE OF DECISION: 14.3.2001

Shri M. Chellaswamy and Applicant.
Shri K. Natarajan

Shri A.I. Bhatkar Advocate for
Applicant.

Versus

Union of India and others. Respondents.

Shri V.S. Masurkar Advocate for
Respondents

CORAM

Hon'ble Shri S.L.Jain, Member(J)

Hon'ble Ms. Shanta Shastry, Member (A)

(1) To be referred to the Reporter or not? /
(2) Whether it needs to be circulated to
other Benches of the Tribunal?
(3) Library. ✓

Shanta S-
(Ms. Shanta Shastry)
Member(A)

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

(7)

ORIGINAL APPLICATION NO: 208/95 and 374/96

WEDNESDAY the 14th day of MARCH 2001.

CORAM: Hon'ble Shri S.L. Jain, Member(J)

Hon'ble Ms. Shanta Shastry, Member (A)

M. Chellaswamy
Chief Accounts Officer,
M.T.N.L. Bombay.

...Applicant in
OA 208/95

K.Natarajan
Accounts Officer(cptr)
M.T.N.L. Bombay.

...Applicant in
OA 374/96

By Advocate Shri A.I. Bhatkar.

V/s

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.Respondents.

By Advocate Shri V.S. Masurkar.

ORDER (ORAL)

{Per Ms. Shanta Shastry, Member (A)}

The issue involved and the reliefs sought in both these OAs are similar, therefore we are proceeding to dispose of these two OAs by a common order.

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2. The brief facts are from OA 208/95 for the purpose of illustration. The applicant is working as Chief Accounts Officer in the Telecommunication department of Government of India and is posted with M.T.N.L. His pay on promotion as Accounts Officer was fixed at Rs. 840/- with effect from 15.7.1981. One Shri M.S.S. Subramanyam was also promoted as Accounts Officer with effect from 20.7.1981. However his pay on promotion was fixed at Rs. 960/-. The applicant states that though Shri Subramanyam is junior to the applicant he was getting more pay than the applicant. This anomaly has arisen because Shri Subramanyam was on adhoc / officiating promotion in the cadre of Accounts Officer and consequently his pay has been fixed at a higher stage when he was promoted on regular basis. The applicant represented against this seeking stepping up of pay on par with his junior. The respondents vide their letter dated 31.5.1993 rejected the representation stating that these cases do not ^{constitute} ~~attribute~~ any anomaly and stepping of pay could not be allowed.

3. It has now been brought to our notice that the Hon'ble Supreme Court has decided the matter finally in the case of Union of India and others V/s R.Swaminathan etc. ⁴ decided on 12.9.1997 {1997 (2) SC SLJ 383}. The Hon'ble Supreme Court had held that enhanced pay drawn by junior because of adhoc / officiating or regular service rendered by him in the higher post for periods earlier than the senior is not an anomaly because pay does not

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depend on seniority list. In view of this the counsel for the applicants agreed that both the present OAs are fully covered by this judgement and therefore the OAs cannot be maintained.

3. In the facts and circumstances of the case, both the OAs are dismissed. We do not order any costs.

Kaneria J

(Ms. Shanta Shastry)
Member(J)

S.L.Jain
Member(A)

NS