

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NOS.: 580/95 AND 1040/95.

Date of Decision : 16.10.1998.

M. M. Gupta & Another Petitioners.

Shri G. K. Masand, Advocate for the Petitioner.

VERSUS

Union Of India & Others Respondents.

Shri S. S. Karkera, Advocate for the Respondents.

CORAM :

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

Hon'ble Shri D. S. Baweja, Member (A).

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

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

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

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CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NOS.: 580/95 AND 1040/95.

Dated this Friday, the 16th day of October, 1998.

CORAM : HON'BLE SHRI JUSTICE R. G. VAIDYANATHA,  
VICE-CHAIRMAN.

HON'BLE SHRI D. S. BAWEJA, MEMBER (A).

M. M. Gupta,  
Sub-Divisional Engineer,  
M.T.N.L.,  
Cooperage Telephone Exchange  
Building, M. K. Road,  
Bombay - 400 021.

... Applicant in  
O.A. No. 580/95.

R. H. Mirji,  
Sub-Divisional Engineer,  
Land Acquisition (S.O.A.),  
O/o. Deputy General Manager (P),  
3rd Floor, Veer Savarkar Marg,  
Dadar (W), Bombay - 400 028.  
Residing at -  
Quarter No. F-2,  
Bombay Telephone Colony,  
Mahim, Bombay - 400 016.  
(By Advocate Shri G. K. Masand).

... Applicant in  
O.A. No. 1040/95.

VERSUS

1. Union Of India through the  
Secretary,  
Department of Telecommunication,  
Sanchar Bhavan, New Delhi.
2. The Chairman,  
Telecom Commission,  
Department of Telecommunication,  
Sanchar Bhavan, New Delhi.
3. The Chief General Manager,  
Mahanagar Telephone Nigam Ltd.,  
Veer Savarkar Marg, Prabhadevi,  
Bombay - 400 028.

... Respondents in  
both the O.As.

(By Advocate Shri S. S. Karkera).

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OPEN COURT ORDER

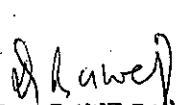
¶ PER.: SHRI R. G. VAIDYANATHA, VICE-CHAIRMAN ¶

These are two applications filed by the applicants claiming stepping up of pay on the ground that their juniors are getting more pay. Respondents have filed reply. We have heard both the Counsels.

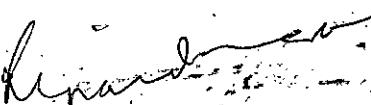
2. As per the admitted facts, the juniors are getting more pay because they were given adhoc or officiating promotion. Therefore, the applicants are seeking stepping up of pay on the ground that their juniors are getting more pay due to adhoc/officiating promotion.

3. In our view, the applicants are not entitled to claim the stepping up of pay in view of the recent judgement of the Supreme Court in Union Of India & Others v/s. R. Swaminathan ( 1997 SCC(L&S) 1852 ). Hence, we hold that both the applicants are not entitled to the relief of stepping up of pay in view of the law declared by the Supreme Court.

4. In the result, both the applications are dismissed. No costs.

  
(D. S. BAWEJA)

MEMBER (A)

  
(R. G. VAIDYANATHA)

VICE-CHAIRMAN.

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