

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No:

416/97

Date of Decision:

5-6-2002

P. Babu Rao

Applicant.

(By Shri S.P. Saxena)

Advocate for
Applicant.

Versus

Union of India & anr.

Respondent(s)

(Shri R.K. Shetty)

Advocate for
Respondent(s)

CORAM:

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

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

- (1) To be referred to the Reporter or not? Yes
- (2) Whether it needs to be circulated to other Benches of the Tribunal? No

S.L. Jain
(S.L. Jain)
Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 416 of 1997.

Dated this Wednesday, the 5th day of June, 2002.

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

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

P. Babu Rao,
S/o. Late P. Satyanarayana Murthy,
Assistant Foreman Technical/
Electric. D.B. and Safety Section,
Ordnance Factory, Chanda,
Post - Ordnance Factory,
Chanda at Bhadravati,
Tahsil Bhadravatti,
Dist. Chandrapur, Maharashtra.

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Applicant

(By Advocate Shri S. P. Saxena)

VERSUS

1. Union of India through
its Secretary,
Ministry of Defence (Production),
through the Chairman/D.G.O.F.,
Ordnance Factory Board,
10-A, Auckland Road,
Calcutta - 700 001.

2. The General Manager,
Ordnance Factory, Chanda,
Post & Tahsil - Bhadravati,
Dist. Chandrapur, M.S.

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Respondents.

(By Advocate Shri R. K. Shetty)

O R D E R (ORAL)

PER : Shri S. L. Jain, Member (J).

This is an application under Section 19 of the Administrative Tribunals Act, 1985 for the direction to the Respondents to step up the pay of the Applicant w.e.f. 01.04.1987 at par with next immediate junior Shri D. K. Bhattacharya, to carry out the revised fixation of pay and allowances and payment of the same with interest @ 24% per annum.

P. S. Jain -

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2. The Applicant, Shri P. Babu Rao and Shri D. K. Bhattacharya, were appointed as Supervisor 'B' grade Technical/ Electrical on 11.08.1969 and on 07.04.1973 they were promoted as Supervisor 'A'. The Applicant was promoted as Chargeman Grade-II w.e.f. 23.10.1978 while Shri D. K. Bhattacharya was promoted as Chargeman Grade-II on 01.01.1980. The Applicant was promoted as Chargeman Grade-I w.e.f. 15.12.1981 while Shri D. K. Bhattacharya was promoted as Chargeman Grade-I on 23.06.1986. The Respondents have placed on record the statement showing the salary drawn by the Applicant as well as Shri D. K. Bhattacharya. On perusal of the same it is clear that Applicant and Shri D. K. Bhattacharya were drawing the same salary i.e. to say Rs. 2000/- per month till 01.04.1986. Thereafter, after promotion of Shri D. K. Bhattacharya, on account of exercise of option, his pay was fixed on 01.04.1987 at Rs. 2050/- while the Applicant continued to draw Rs. 2000/- till 01.04.1987.

3. Learned Counsel for the Applicant relied on the provisions relating to stepping up of pay which are contained in Fundamental Rules and argued that the Applicant and Shri D. K. Bhattacharya belong to the same cadre and were promoted to the same cadre, the scale of pay of the lower and higher post in which they are entitled to draw pay is also same and the anomaly has arisen only as a result of application of F.R. 22 C, as such, applicant is entitled to stepping up of pay. The applicant is fulfilling all the requirements for stepping up of his pay.

4. On perusal of the facts and the statement submitted by the Respondents we are of the considered opinion that the anomaly

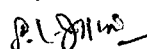
J.S. Dhillon /


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has arisen only on account of the fact of application of F.R.22C. It is true that option once exercised is final but the Applicant is not seeking to exercise the fresh option^{but ✓} claiming the stepping up of his pay on account of exercise of option by Shri D. K. Bhattacharya, [✓] the right arises on account of fixation of pay of his junior and it is not reversion of his option.

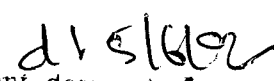
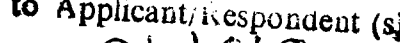

5. In the result, the O.A. deserves to be allowed and is allowed. The Applicant is entitled to stepping up of pay w.e.f. 01.04.1987 at par with Mr. D. K. Bhattacharya.

6. The Applicant has represented the matter on 11.01.1992 to which the Respondents failed to reply. In such circumstances, the fixation on account of stepping up would be notional till 31.12.1991. Thereafter, on account of fixation, the applicant would be entitled to all monetary benefits based on further consequential fixation in accordance with rules but not be entitled to any interest on account of fixation of pay. This exercise shall be completed within a period of three months from the date of receipt of the copy of this order. No order as to costs.


(S. L. JAIN)
MEMBER (J).


(B.N. BAHADUR)
MEMBER (A).

OS*


Order/Judgement despatched,
to Applicant/Respondent (s),



CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

C.P. 34/2003 IN
ORIGINAL APPLICATION NO: 416/97

TRIBUNAL'S ORDER

DATED; 7.3.2003


{Per K.V. Sachidanandan, Member (J)}

Mrs. Neelima Gohad with Shri S.P. Saxena
counsel for the applicant.

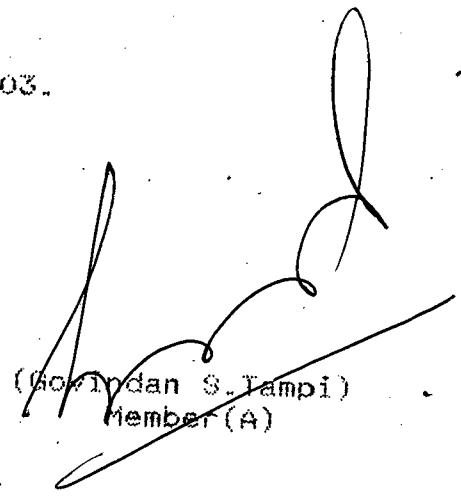
The learned counsel for the applicant alleges that the order of the Tribunal dated 5.6.2002 has not been given effect to. The learned counsel for the applicant points out that the applicant had after obtaining the order of the Tribunal approached the respondents on 2.7.2002 and reminded on 4.10.2002. Nothing has apparently been done. Prima facie contempts has been made.

Issue notice to the alleged contemnor, respondent No.2, Shri D.K. Datta, Chairman, Ordinance Factory, Board, Calcutta. The presence of the alleged contemnor is exempted for the present.

List the case on 11.4.2003.



(K.V. Sachidanandan)
Member (J)



(Govindan S. Tampi)
Member (A)

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