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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.622/89.

Date of Judgment 22-6-90

V.Vivekananda

.. Applicant

Versus

Secretary,
Ministry of Water Resources,
New Delhi
& another

.. Respondents

Smt V. Vivekananda

Counsel for the Applicant : Party-in-person.

Counsel for the Respondents: Shri E.Madan Mohan Rao,
Addl. CGSC.

CORAM:

Hon'ble Shri J.Narasimha Murthy : Member (Judl).

Hon'ble Shri R.Balasubramanian : Member (Admn).

[Judgment as per Hon'ble Shri R.Balasubramanian,
Member (Admn)].

This is an application filed by Shri V.Vivekananda
under section 19 of the Administrative Tribunals Act
against the Secretary, Ministry of Water Resources,
New Delhi and another.

2. The applicant joined as Junior Draftsman in Hirakud
Dam Circle in March, 1985. Later, he joined Ganga
Discharge Circle of the then Ganga Basin Water Resources
Organisation on 12.4.60 which was under the administrativ
control of the then Ministry of Irrigation and Power.
In 1978 the posts of G.B.W.R.O. ^{Were} merged with the
corresponding cadre of the Central Water Commission

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and the applicant was shifted to the Central Water Commission. S/Shri K.R.K.Shastry and J.K.Chopra who were junior to the applicant were promoted on ad-hoc basis in December, 1972 prior to the merger of the G.B.W.R.O. with the Central Water Commission. These two officials were later promoted on regular basis on 10.6.81 and the applicant was promoted as Extra-Asst. Director on regular basis on 19.6.81. The applicant who was pre-occupied with many domestic difficulties did not realise that his juniors were getting higher pay than him. It was only after June, 1987 that he realised this fact and has now approached the Tribunal with a request that his pay be fixed on par with those of his juniors S/Shri K.R.K.Shastry and J.K.Chopra.

3. He has prayed that the Tribunal issue a directive to the respondents to fix his pay on par with the abovementioned two officials.

4. The respondents have opposed the prayer. They have not disputed the seniority. S/Shri K.R.K.Shastry and J.K.Chopra who are juniors to the applicant have been officiating for a long time on ad-hoc basis in the higher posts from December, 1972 itself. They have earned increments in the scale and when they were promoted on a regular basis their pay in the higher grade was fixed taking into account the increments that they had earned during the ad-hoc promotion. It is their point that the pay of the

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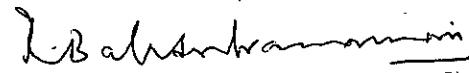
applicant has been correctly fixed.

5. We have examined the case and heard the applicant in person and the learned counsel for the respondents.

The applicant ~~has contended~~ contended that he is entitled to stepping up of his pay on par with the juniors. It is his case that himself and the other two officials belong to the same cadre and were in the same scale of pay. He has drawn our attention to sub-rule 10 under F.R.22(C) which provides for stepping up of pay to remove anomalies in pay fixation. The rule states that in order to remove the anomaly of a Govt. servant promoted or appointed to a higher post on or after 1.4.61 drawing a lower rate of pay in that post than another Govt. servant junior to him in the lower grade and promoted or appointed subsequently to another identical post, it has been decided that in such cases the pay of the senior officer in the higher post should be stepped up to a figure equal to the pay as fixed of the junior officer in the higher post. Moreover, another condition which is required to be met is that such an anomaly should have been a direct result of the application of F.R.22(C). In the instant case, the two officials named had been officiating on ad-hoc basis for a long time and had earned increments and their pay was fixed in the new scale according to the rules. They were not promoted subsequently. In fact even their promotion on regular basis was prior to that of the applicant.

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The disparity in pay is entirely on account of the ad-hoc promotions which they had been enjoying and which the applicant ~~was not enjoying~~ ^{did}. We therefore feel that there is no case for interference in the pay fixation and accordingly dismiss the application. There is no order as to costs.

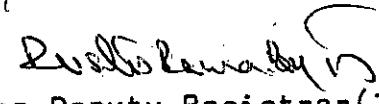


(J. Narasimha Murthy)
Member(Judl).

(R. Balasubramanian)
Member(Admn).

Dated

22nd June 90


for Deputy Registrar(J)

To:

1. The Secretary, Ministry of Water Resources,
New Shram Shakti Bhawan, Rafi Marg,
New Delhi-110 001.
2. The Chairman, Central Water Commission, Sewa Bhavan,
R.K.Puram, New Delhi-110 006.
3. One copy to Mr. V. Vivekananda, (Party-in-person)
Asst. Director, M-270, R.B.I. staff quarters,
Begumpet, Hyderabad-500 001.
4. One copy to Mr. E. Madan Mohan Rao, Addl. CGSC, CAT, Hyd.
5. One copy to Hon'ble Mr. R. Balasubramanian: Member: (A)
CAT, Hyderabad.
6. One spare copy.

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