

(33)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. 394/93.

Dt. of Decision : 19.1.95.

Jeevan Lal

vs

... Applicant.

1. The Chief Engineer,
Southern Command,
Pune, Maharashtra.
2. The Garrison Engineer(P)(I),
R&D, Chandrayanagutta,
Hyderabad.
3. The Commander Works Engineer,
Mudford, Secunderabad.

... Respondents.

Counsel for the Applicant

: Mr. S. Gopal Rao

Counsel for the Respondents

: Mr. N. V. Ranbavu

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN
THE HON'BLE SHRI R. RANGARAJAN : MEMBER(ADMN.)

OA .394/93

Judgement

(As per Hon. Mr. Justice Mr. V. Neeladri Rao, NC)

Heard Sri S. Gopal Rao, learned counsel for the applicant and Sri N.V. Raghava Reddy, learned counsel for the respondents.

2. The applicant was appointed as Sweeper-cum-Chowkidar on 20-12-1965. The pay scale for the said post with effect from 1-1-1973 was Rs.196-232. He was promoted as Mate on 11-11-1985. Then his pay in the post of Mate was fixed in the revised pay scales as per the recommendations of 4th Pay Commission which came in to effect from 1-1-1986.

3. Sri Pentaiah, joined service as Mazdoor prior to 1-1-1973. The scale for the post of Mazdoor with effect from 1-1-1973 was also Rs.196-¹³²323. Sri Pentaiah was given promotion as Mate with effect from 23-1-1986. Then his pay was fixed in the category of Mate at Rs.935/-. The pay of the applicant in the category of Mate as on 1-1-86 was fixed at Rs.905/912. Hence the applicant filed this OA praying for stepping up of his pay so as to ^{be} equal with that of Sri Pentaiah with effect from 23-1-1986.

4. If the pay of the senior is less than the pay of the junior in the promoted category, then the question of stepping up will arise if he satisfies the following conditions :

i) The junior in the promoted category was also junior in the lower category; and

ii) the pay of that junior was either less or equal to that of the senior in the lower category.

5. It is stated for the respondents that the applicant is not entitled for the stepping up as the pay of Sri Pestaiah as on 1-1-1984 was Rs.232/- p.m. while that of the applicant had become Rs.232/- only on 1-2-1984.

6. It may be noted that the posts of Sweeper-cum-Chowkidar and Mazdoor are feeder categories for promotion to the post of Mate. The date of entry in the lower category is the criterion for the integrated seniority for consideration for promotion. It is not even alleged for the applicant that the date of appointment of Sri Pestaiah as Mazdoor is later to the date of appointment of the applicant as Sweeper-cum-Chowkidar. Be that as it may, as the pay of the applicant was less than that of Sri Pestaiah as on 1-1-1984 in the lower category, the applicant is not entitled for the stepping up on that ground itself.

7. It is now stated for the applicant that pay of some other juniors of the applicant in the category of Mate is ~~more~~ ^{less} than his pay. But when the applicant had not made a representation to the respondents claiming stepping up on the basis of the pay of those alleged juniors in the category of Mate, it is not just and proper to consider the same in this OA. But if the applicant is so advised, and if he satisfies all the conditions in regard to the claim in stepping up, he can make a representation to the concerned authority, ^{authorily} praying for stepping up on the basis of the pay of the alleged juniors in the category of Mate, and if such a representation is going to be made, the said authority has to dispose of the same in accordance with law. It is needless to say that if the applicant is aggrieved in

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regard to the same he is free to move this Tribunal if so advised under Section 19 of AT Act.

8. Subject to above the OA is dismissed. No costs.

me
(R. Rangarajan)
Member (Admn)

Neeladri
(V. Neeladri Rao)
Vice Chairman

Dated : Jan 19, 94
Dictated in Open Court *Arulai*
Deputy Registrar (J) CC

To

1. The Chief Engineer, Southern Command, Pune, Maharashtra.
2. The Garrison Engineer(P)(I) R&D, Chandrayanagutta, Hyderabad.
3. The Commander Works Engineer, Mudfort, Secunderabad.
4. One copy to Mr.S.Gopal Rao, Advocate, 4-8-700 Gowliguda, Hyderabad.
5. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy

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1/2/94

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR.R.RANGARAJAN : M(ADMIN)

DATED: 19 - 1 - 1995

ORDER/JUDGEMTN:

M.A./R.A/C.A.No.

in

O.A.No.

394/93

T.A.No.

(w.p.)

Admitted and Interim directions issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected

No order as to costs.

DVM

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