

15

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.1375-of-1995

DATE OF ORDER: 6th August, 1996

BETWEEN:

S.SUBBA RAO

.. Applicant

and

1. The Director General,
Geological Survey of India,
27, Jawaharlal Nehru Road,
Calcutta 700 016,
2. The Deputy Director General,
Geological Survey of India,
Southern Region, Bandlaguda Complex,
Hyderabad 500 660.

... Respondents

COUNSEL FOR THE APPLICANT: Shri V.VENKATESWARA RAO

COUNSEL FOR THE RESPONDENT: SHRI N.V.RAMANA, Addl.CGSC

CORAM:

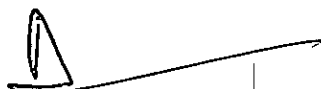
HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

JUDGEMENT

(AS PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Shri V.Venkateswara Rao, learned counsel for the applicant and Shri V.Rajeswara Rao for Shri N.V.Ramana, learned standing counsel for the respondents.

2. The applicant in this OA joined as a regular Cost Accountant in March 1977 as a direct recruit in the scale of pay of Rs.650-1200. The post of Cost Accountant is in



16

Group 'B' category. Posting in this category, both by promotion and direct recruitment is permitted.

3. Shri Sen, junior to the applicant, joined as adhoc Cost Accountant with effect from 2.4.76 and his services were regularised with effect from 2.7.80. Thus Shri Sen was drawing the pay in the time scale of Rs.650-1200 right from 2.4.76 even though he was appointed on adhoc basis in that cadre. The applicant though joined regularly in March 1977, his pay was fixed in that grade from March 1977 only. Thus the said junior Shri Sen was given increments in the cadre of Cost Accountant from 1.4.76 based on which his pay when he was posted as regular Cost Accountant on 2.7.80 was fixed whereas the applicant's pay was fixed from March 1977. From the above explanation it is evident that the pay of the said junior Shri Sen must have fixed at higher stage in the pay scale of Cost Accountant when he was regularly promoted. On the date of regular promotion of Shri Sen i.e, 2.7.80 the applicant could not have drawn higher pay than him as his pay was drawn from March 1977 only in the said scale.

4. The applicant and his junior Shri Sen were promoted to higher grade of Cost Accounts Officer and their pay in the post of Cost Accounts Officer was also fixed based on the substantive pay in the cadre of Cost Accountant following the extant rules viz, FR 22-C. The applicant retired from service on 30.9.94.



17

5. The applicant submitted a representation for stepping of his pay on par with his junior Shri Sen in the category of Cost Accounts Officer and fixing his final settlement dues on the basis of the stepping up of his pay which was refused by the impugned letter No.G-12011/1/Revised Pay/AI/95/A-16 dated 14.3.95 at Annexure A.III.

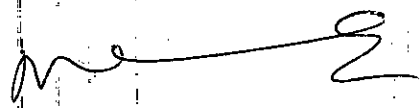
6. This OA is filed praying for a direction to the respondents to step up his pay on par with his junior Shri Sen with effect from 2.7.80 in the scale of pay of Rs.650-1200 and pay him on that basis till his retirement in other categories also i.e, upto 30.9.94 and for refixation of his pension and other pensionary benefits on the basis of the last pay drawn by him on that basis with all consequential benefits.

7. The applicant joined as a direct recruit Cost Accountant on regular basis in March 1977. Hence he was not in service when his junior Shri Sen joined on adhoc basis as Cost Accountant on 2.4.76. Hence the applicant cannot compare his pay with Shri Sen who joined earlier to him though on adhoc basis. Even if Shri Sen is junior to the applicant in the regular category, he gained advantage of higher fixation when he was regularly promoted on account of his adhoc service earlier from 2.4.76. If the applicant had joined earlier to Shri Sen and Shri Sen was given higher fixation, then the applicant has a case for stepping up of his pay. The applicant having joined later



than Shri Sen, no injustice is caused to him and he cannot pray for stepping up of pay. Non stepping of pay is not denial of justice for the applicant in this case for the reasons stated above.

8. In view of the above, this OA merits no consideration and hence dismissed as having no merits. No costs.


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: 6th August, 1996
Open court dictation

vsn

For Registrar
Dy. Registrar (J)

19

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O.A.1375/95.

Copy to:-

1. The Director General, Geological Survey of India, 27, Jawaharlal Nehru road, Calcutta.
2. The Deputy Director General, Geological Survey of India, Southern Region, Bandlaguda Complex, Hyd.
3. One copy to Sri. V.Venkateswara Rao, advocate, CAT, Hyd.
4. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
5. One copy to ~~govt~~ Library, CAT, Hyd.
6. One spare copy.

Rsm/-

02/8/96

DA-1375795

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APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(P)

DATED:

6/8/96

~~ORDER/JUDGEMENT~~

~~U.A./W.B./R.A./C.P.NO.~~

U.A.NO.

in-
1375795

ADMITTED AND INTERIM DIRECTIONS ISSUED
~~ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS.~~

YLKR

II COURT

No spare copy

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

प्रेषण/DESPATCH

21 AUG 1996

हैदराबाद न्यायपीठ
HYDERABAD BENCH