

(15)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.476 of 1996

DATE OF ORDER: 20th August, 1996

BETWEEN:

S.LINGAIAH

.. APPLICANT

AND

1. Union of India, rep. by its Secretary,
Department of Posts, New Delhi,
2. The Director of Accounts (Postal),
Andhra circle, Hyderabad,
3. The Chief Post Master General,
A.P.Circle, Hyderabad-1.

.. Respondents

COUNSEL FOR THE APPLICANT: SHRI P.B.VIJAYA KUMAR

COUNSEL FOR THE RESPONDENTS: SHRI V.RAJESWAR RAO, Adl.CGSC

CORAM:

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

JUDGEMENT

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

Heard Shri P.B.Vijaya Kumar, learned counsel for the applicant and Shri V.Rajeswara Rao, learned standing counsel for the respondents.

2. The applicant in this OA joined as Postal Clerk in the P&T Department in the year 1976 and in the year 1979 he passed Part-II test and thus became eligible for promotion to the post of Junior Accounts Officer. The applicant was promoted as JAO in P&T Civil Division, Rajkot and it was treated as an ex-cadre post. He was regularly promoted as JAO with effect from 9.5.87. The applicant herein compares

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his pay as JAO with that of his junior Shri Abu Zaheer Mahbub Alam from the date his junior was drawing more pay than him in the cadre of JAO in the P&T Department. The applicant submitted a representation to step up his pay on par with the above said junior in view of the judgements of this Tribunal in (1992) 19 ATC 569 (Smt.N.Lalitha and others v. Union of India and others) and (1988) 7 ATC 234 (Anil Chandra Das v. Union of India). That representation was rejected by the order dated 21.11.95 (Annexure A-1) on the ground that the applicant is not a party in those OAs and also there is no pay difference in the lower cadres. Aggrieved by the above, he has filed this OA praying for direction to the respondents to step up his pay on par with his junior and for further consequential payment of arrears etc, after setting aside the impugned order dated 21.11.95.

3. It is seen from his representation dated 23.8.95 (Annexure A-2) that the pay of the applicant on joining as JAO was fixed at the stage of Rs.500/- in the pay scale of Rs.500-900. In the same application it is stated that his junior Shri Abu Zaheer Mahbub Alam when he was promoted on adhoc basis in the year 1983, his pay was fixed at the stage of Rs.640/- in the pay scale of Rs.500-900. Thus it is evident that even in the lower scale lower to the post of JAO, his junior must be drawing more pay than the applicant. In terms of para (2) under Rule 22 of CAG's decision of FR & SR stepping up of pay is permitted only if even in the lower post the junior officer draws from time to time a lower rate of pay than the senior. In this case, the pay of the junior when he was promoted as JAO was fixed at higher stage as he was getting more pay in the lower grade of JAO ~~while he was promoted as JAO even though~~

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while he was promoted as JAO even on adhoc basis following FR 22-C. The applicant evidently was drawing less pay in the lower grade of JAO when he was promoted as JAO. Hence the pay anomaly has not arisen as a direct result of application of FR 22-C. Hence the applicant cannot claim stepping up of pay. The cases cited by the applicant has got no relevance to this case in view of what is stated above. The application is liable to be dismissed as having no merits.

4. In the result, the OA is dismissed as having no merits. No costs.

(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: 20th August, 1996
Open court dictation.

vsn

OA.476/96.

Copy to:-

1. The Secretary, Department of Posts, Union of India, New Delhi.
2. The Director of Accounts(Postal), Andhra Circle, Hyd.
3. The Chief Post Master General, A.P.Circle, Hyd.
4. One copy to Sri. P.B.Vijay kumar, advocate, CAT, Hyd.
5. One copy to Sri. V.Rajeswar Rao, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 26/8/06

ORDER/JUDGEMENT

R.A./C.P./M.A. NO.

O.A. NO. 476/as

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

