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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

CA.No. 600/96.

Dt. of Decision : 9-8-96.

P.Padmanabhan

.. Applicant.

Vs

1. The Union of India, Rep.by
the Chief Commissioner of
Income Tax, Andhra Pradesh,
Hyderabad.
2. The Zonal Accounts Officer, CBDT,
Aayakar Bhavan, Hyderabad.

.. Respondent.

Counsel for the Applicant : Mr. P.Padmanabhan (Party-in-person)

Counsel for the Respondents : Mr. V.Rajeswara Rao, Addl.CGSC.

CORAM:

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

ORDER

Oral Order (Per Hon'ble Shri R. Rangarajan, Member (Admn.))

Heard Mr. P. Padmanabhan, Party-in-person, None for the respondents.

2. The applicant in this OA while working as Stenographer Grade-II was promoted as Sr.P.A. in April 1992 by order C.R.No. 7(b)/Estt./91-92 dated 11-11-1991 (Annexure-I). His pay as Sr.P.A. was fixed following the extant rules of FR 22 C on the basis of his last pay drawn in the cadre of Stenographer Gr-II. His junior Mr.K.Seshagiri Rao was promoted from Stenographer Gr-II to Grade-I and then to Sr.P.A. in November 1994. As he was promoted step by step from Stenographer Grade-II to Grade-I and then Sr.P.A., his pay was fixed in the Grade-I and Sr.P.A. following the extant rules. In view of his promotion as Sr.P.A. for Stenographer Gr-I his pay was fixed in Sr.P.A. following the extant rules of FR 22 C in Sr.P.A.'s grade. Due to above ^{method} ~~matter~~ of fixation of pay of Mr.Seshagiri Rao, it is stated that the pay of Mr.K.Seshagiri Rao who is junior to the applicant was fixed at a higher stage than the applicant in the grade of Sr.P.A.

3. The applicant being senior requested for stepping up of his pay on par with his junior Mr.K.Seshagiri Rao in the cadre of Sr.P.A. from the date when Mr.K.Seshagiri Rao was drawing more pay than him as Sr.P.A. He submitted a representation dated 10-3-95 (Annexure-II) and also another representation dt. 5-10-95. Those representations were rejected by the impugned order C.R.A/c No.121 (1)/P-436/94-95 dated 4-4-96 (Annexure-III) on the plea that there is no provision in FR to step up the pay of the applicant.

4. Aggrieved by the above, he has filed this OA for setting aside the impugned letter No.C.R.A/c.121(1)/P-436/94-95 dt.4-4-96 (Annexure-III) holding it as illegal, arbitrary and unconstitutional

and for a consequential direction to step up his pay on par with his immediate junior Mr.K.Seshagiri Rao in the category of Sr.P.A. w.e.f., 1-11-94 in the scale of pay of Rs.2000-3200/- with all consequential benefits.

5. The applicant was promoted from the lower grade of Stenographer Gr-II to the higher grade of Sr.P.A. skipping the intermediate grade of Stenographer Gr-I. His junior Mr.K.Seshagiri Rao was promoted from Stenographer Gr-II to Gr-I and then to Sr.P.A. In a similar case i.e., OA.No.152/96 and batch similar relief was asked for stepping up of pay. In that case the applicants there were promoted from ASPO (Asst. Superintendent of Post Offices) to PSS Group-B skipping the intermediate grade of HSG-I. The junior to the applicants in that OAs was promoted from the cadre of ASPO's to the cadre of HSG-I and then to the higher cadre of PSS Group-B. In view of the step by step promotion of the junior the pay of the applicants in the batch cases happened to be lower in the cadre of PSS Group-B compared to their juniors as the applicants in that batch cases ^{were} promoted from the post of ASPOs to PSS Group-B skipping the intermediate grade of HSG-I. The applicants in those OAs also prayed for stepping up of their pay on par with their junior. But the batch case was dismissed on 5-8-96 in view of the judgements of the Supreme Court reported in 1996 (1) SLR 773 (The Chief Income Tax Commissionerate Bangalore Vs. ~~Guru Raju~~ and Others) and the reported case 1996 (32) ATC 131 (Gopal Krishna and others Vs. Union of India). The present case is fully covered by the decision of this Tribunal in OA. 152/96 and batch. For the reasons stated in that batch case this OA is also liable to be rejected.

6. In the result, the OA is dismissed as having no merit. No costs.

(R. Rangarajan)
Member (Admn.)

Dated : The 9th August 1996.
(Dictated in the Open Court)

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O.A.NO.600/96

Copy to:

1. The Chief Commissioner of Income Tax,
Andhra Pradesh,
Hyderabad.
2. The Zonal Accounts Officer,
CSDT, Ayakar Bhavan,
Hyderabad.
3. One copy to Mr.P.Padmanabhan, Party in Person,
Senior P.A., 7th Floor, Ayakar Bhavan,
Hyderabad.
4. One copy to Mr.V.Rajeswar Rao, Addl.CGSC,
CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One duplicate copy.

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 9-8-96

ORDER/JUDGEMENT

O.A. NO./R.A/C.P. No.

in

O.A. NO. 600/96

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

