

27

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 738/97

Date of Order: 31.8.97

BETWEEN :

T.Satyanarayana

.. Applicant.

AND

1. Secretary, Ministry of Defence,
Government of India, New Delhi.
2. Chief of Air Staff, Air Head Quarters,
New Delhi.
3. Engineer-in-Chief, Army Headquarters,
D.H.Q. (PO), New Delhi.
4. Chief Engineer, Air Force,
Yeshvanthpura, Bangalore.
5. Commandant Works Engineer (Air Force),
Mud Fort, Secunderabad.
6. Garrison Engineer, Air Force,
Academy, Hyderabad.
7. Asst. Garrison Engineer,
Air Force Academy, Hyderabad.
8. Chief Engineer Southern Command,
Pune.

.. Respondents.

- - -

Counsel for the Applicant

.. Mr.P.Srinivas

Counsel for the Respondents

.. Mr.V.Rajeswara Rao

- - -

CORAM:

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

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

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J U D G E M E N T

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Heard Mr.P.Srinivas, learned counsel for the applicant
and Mr.V.Rajeswara Rao, learned standing counsel for the
respondents.

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2. The applicant in this OA was first appointed as a Mazdoor on 22.7.68 in the pay scale of Rs.196-232. He was promoted as a Valveman on 1.1.86 in the pay scale of Rs. 950-1500. Another employee by name Sri Arjun was appointed as Chowkidar on 1.2.72 in the scale of pay of Rs.196-232. Sri Arjun was promoted as Valveman in the scale of pay of Rs.950-1500 w.e.f. 23.1.86.

3. The applicant now submits that Sri Arjun is junior to him as he was appointed as Chowkidar in Group-D scale later than him and he was promoted as Valveman earlier to Sri Arjun. Hence his pay should be stepped up in the cadre of Valveman on par with Sri Arjun when Sri Arjun was promoted to the post of Valveman and his pay in that post was fixed higher than ~~to~~ him. He represented his case for higher fixation to R-3 by representation dt. 9.4.96 (A-6). He also submits that he submitted another representation in this connection. Those representations were disposed of by the impugned order dt. 13.7.96 (A-3) rejecting his request on the ground that his junior does not belong to the same cadre as the applicant and hence the stepping up of pay is not granted.

4. This OA is filed praying for a direction to the respondents to set aside the impugned order and for a consequential direction and to step up his pay on par with Sri Arjun.

5. The learned counsel for the applicant relies on the O.M. of DPO&T dt. 4.11.93 enclosed at page-8 of the OA and relying on sub-para (b) of para-1 submits that the applicant is entitled for stepping up of pay in view of the fact that both he and his junior are working in the post which is in the same scale of pay. But the learned counsel for the applicant either doⁿ not see or he doⁿ not want to take note of sub-para (a) of para-1. As per this sub-para (a) both the

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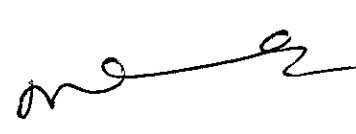
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junior and the senior officer ^{should} ~~who~~ belonged to the same cadre. ^{before promotion}
The request of the applicant for stepping up of pay was rejected as he had not fulfilled para-1(a) of the circular referred to above. The applicant belongs to the cadre of mazdoor whereas his junior belonged to Chowkidar before they were promoted as Valveman; that cadre of mazdoor and chowkidar are not in the same seniority unit. Hence they have not fulfilled ^{-ed-} the condition of para-1(a) of the O.M. dt. 4.11.93. Hence the case of the applicant for stepping up of pay was justifiably refused by the respondents. Hence the applicant ^{Can} ~~should~~ have no grouse in this connection.

6. In view of the above, we find no merit this OA.
Hence the OA is dismissed at the admission stage itself.
No costs.


(B.S. JAI PARAMESHWAR)
Member (Judl.)
31.7.97


(R. RANGARAJAN)
Member (Admn.)

Dated: 31st July, 1997

(Dictated in Open Court)

sd


D.R.(J)

444

Copy to:

1. The Secretary, Min. of Defence, Govt. of India, New Delhi.
2. Chief of Air Staff, Air Head Quarters, New Delhi.
3. Engineer in Chief, Army Head Quarters, OHQ(PO), New Delhi.
4. Chief Engineer, Air Force, Yeshwanthapura, Bangalore.
5. Commander Works Engineer(Air Force), Mud Fort, Secunderabad.
6. Garrison Engineer, Air Force Academy, Hyderabad.
7. Asst. Garrison Engineer, Air Force Academy, Hyderabad.
8. Chief Engineer Southern Command, Pune.
9. One copy to Mr.P.Srinivas, Advocate, CAT, Hyderabad.
10. One copy to Mr.V.Rajeswara Rao, Addl.CGSC, CAT, Hyderabad.
11. One copy to D.R(A), CAT, Hyderabad.
12. One duplicate copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: M
(3)

DATED: 31/7/97

ORDER/JUDGEMENT

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

in

O.A.NO. 738/97

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

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II Court.

