

24

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO.1714 of 1997

DATE OF ORDER: 22nd APRIL, 1999

BETWEEN:

M.C.VISVANATHAN

.. APPLICANT

AND

Union of India represented by

1. The Secretary,  
Ministry of Defence,  
Govt. of India, New Delhi,
2. The Director General, EME,  
DHQ Post, Army Hqrs,  
New Delhi,
3. The Officer-in-Charge,  
EME Records, Trimulgherry Post,  
Secunderabad-21,
4. The Controller of Defence Accounts,  
Staff Road,  
Secunderabad-9,
5. Shri Laddi Ramaseshaiah.

.. RESPONDENTS

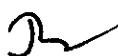
COUNSEL FOR THE APPLICANT: Mr.N.RAGHAVAN

COUNSEL FOR THE RESPONDENTS: Mr.B.NARASIMHA SARMA, Sr.CGSC

CORAM:

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

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





JUDGEMENT

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

Heard Mr.N.Raghavan, learned counsel for the applicant and Mr.B.Narasimha Sarma, learned standing counsel for the respondents. Notice served on R-5. R-5 called absent.

2. The applicant in this OA prays for stepping up his pay on par with one Mr.Laddi Ramaseshaiah, R-5 herein. He further submits that the pay of one Mr.M.R.Joga Rao has been stepped up on par with Mr.Laddi Ramaseshaiah and as he is senior to Mr.Joga Rao, his pay also should be stepped up.

3. This OA is filed for stepping up of the pay of the applicant on par with that of Mr.Laddi Ramaseshaiah and also award costs.

4. A reply has been filed in this OA. The main contentions of the respondents in this OA are as follows:-

i) The applicant had not <sup>submitted</sup> ~~made out~~ any representation before approaching this Tribunal. Hence the applicant should be directed to follow the grievance of redressal available in the Department before approaching the Tribunal;

ii) The applicant had not quoted any rule for granting him stepping up of pay indirectly implying that

R

D

conditions stipulated under the old F.R. 23-C are not fulfilled;

iii) The case of stepping up of pay of Mr.Joga Rao has been done erroneously and action is being taken to rectify the error <sup>as</sup> antedating the increment in respect of Mr.Joga Rao.

5. For the above reasons, the respondents submit that the OA is liable to be dismissed.

6. When the OA was taken up for hearing, the learned standing counsel for the respondents produced the details of pay particulars of the applicant, R-5 and Mr.Joga Rao. From the details, it is seen that R-5 was promoted later than the applicant. But his pay was fixed as UDC more than that of the applicant in view of the fact that R-5 was granted allowance of Rs.20/- per month when he performed the duties of Steno-Typist with effect from 13th December, 1968 while serving <sup>at</sup> Station Workshop, Secunderabad and that allowance of Rs.20/- was taken into account for fixation of pay on his promotion as UDC with effect from 27.2.81. In view of that, the learned standing counsel for the respondents submits that the pay of Mr.Rama Seshayya as UDC was higher than the pay of the applicant. Hence, the question of stepping up of pay of the applicant on par with R-5 does not arise as ~~there is no available condition~~ laid down undr F.R. 22-C. We see valid point in that argument. The applicant cannot demand stepping up of pay when he was not granted any allowance in addition to his pay before his promotion as UDC. As R-5 was granted an allowance of

3

D

Rs.20/- before his promotion as UDC and as rule permits for taking that allowance also for fixation of his pay when he was promoted as UDC, his pay happened to be higher than the pay of the applicant. On that basis, his pay was fixed as on 1.1.86 and he was also given the increment from 1.2.86. Hence the applicant can have no grouse if his pay is less than that of R-5.

7. Stepping up of pay of Mr.Joga Rao was done erroneously and it is stated that the case of Mr.Joga Rao <sup>will be</sup> will be reviewed and stepping up of his pay <sup>will be</sup> rectified. By that, the learned standing counsel for the respondents imply that the excess amount paid to Mr.Joga Rao will also be recovered. But he could not give any direct reply as to the action taken to recover the excess amount paid to Mr.Joga Rao.

8. In view of the above, the OA is liable to be dismissed. However, if Mr.Joga Rao's case <sup>is</sup> was not reviewed <sup>we is not</sup> and error <sup>is</sup> rectified, then the applicant should also be given the benefit as given to Mr.Joga Rao.

9. With the above direction, the OA is disposed of. No order as to costs.

  
(B.S.JAI PARAMESHWAR)  
MEMBER (JUDL.)

22.4.99

  
(R.RANGARAJAN)  
MEMBER (ADMN.)

DATED : 22nd APRIL, 1999  
Dictated in the open court

COPY TO:-

1. HONJ
2. HHRP M(A)
3. HOSJP M(J)
4. B.R. (A)
5. SPARE

1ST AND 2ND COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR :  
VICE - CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD :  
MEMBER (A)

THE HON'BLE MR. R. RANGARAJAN :  
MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESWAR :  
MEMBER (J)

DATED: 22.4.99

ORDER / JUDGEMENT

MR./R.A./C.P. NO.

IN

C.A. No. 1714/97

ADMITTED AND INTERIM DIRECTIONS  
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDREW.

ORDERED/REJECTED.

NO ORDER AS TO COSTS.

केन्द्रीय व्यापारिक अधिकरण  
Central Administrative Tribunal  
DESPATCH

SRR

HYDERABAD BENCH

-6 MAY 1999

(8)