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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

HYDERABAD

O.A.No.582 of 1999.

DATE OF ORDER:20-3-2000.

Between:

K.Appalaraju.

...Applicant

a n d

1. The Union of India, rep. by the Secretary, Ministry of Defence, Sanabhavan, New Delhi-110 011.
2. The Director of Naval Armament Inspection, Naval Headquarters, DHQ(Post Office), New Delhi-110 011.
3. The Controller General of Defence Accounts, DHQ(Post Office), New Delhi-110 011.
4. The Sr. Inspector, Naval Armament Inspectorate, Kanchanbagh, Hyderabad-500 058.

....Respondents

COUNSEL FOR THE APPLICANT :: Mr.J.V.Lakshmana Rao

COUNSEL FOR THE RESPONDENTS ::: Mr.B.Narsimha Sharma

CORAM:

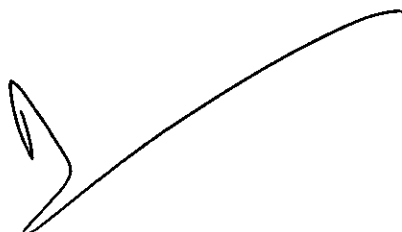
THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN.)

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

: O R D E R :

(PER HON'BLE SRI R.RANGARAJAN, MEMBER (A))

Heard Mr.R.Yogender Singh for Mr.JV.Lakshmana Rao, learned Counsel/ for the Applicant and Mr.Jacob for Mr.B.Narsimha Sharma, learned Standing Counsel for the Respondents.



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2. The applicant while working as Chargeman in the pay scale of Rs.380-560/- was promoted to the post of Senior Chargeman in the scale of pay of Rs.425-700/- with effect from 13-6-1985 and his pay was fixed at the stage of Rs.455/- in the said scale by applying FR 22(c). Due to the recommendations of the IVth Pay Commission scales of pay, the two scales of Chargeman and Senior Chargeman were merged together in a single pay scale of Rs.1400-2300/-. The pay of the applicant in the revised pay scale of Rs.1400-2300/- was fixed at Rs.1440/- with effect from 1-1-1986. The applicant submits that some of his juniors who were promoted as Senior Chargeman in the revised scale subsequent to the implementation of IVth Pay Commission scales of pay have drawn pay more than the applicant due to the difference in pay scale. Some of his juniors have filed OA.No.545 of 1996 for re-fixing their pay under FR.22(1)(a)(i), when they were promoted as Senior Chargeman and that OA was allowed and the respondent-authorities have re-fixed their pay under the said rule referred to above. The applicant submits that because of that he is drawing less pay than his juniors and hence he requests for stepping up of pay on par with his juniors.

3. This OA is filed to step up his pay on par with his juniors with all consequential benefits.

4. The main contention of the applicant is that he comes under Rule FR 22(1)(a)(i) for stepping up of pay on par with



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his juniors. The reason given by him clearly indicates that it is not covered by Rule FR 22(1)(a)(i) for stepping up of pay. Further the applicant has been given stepping up of pay when he was promoted as Senior Chargeman from the post of Chargeman before the implementation of IVth Pay Commission scales of pay under FR 22(c). Pay once fixed under Rule FR 22(c), cannot be fixed once again under the same rule. Hence, on that score itself the OA is liable to be dismissed.

5. The applicant submits that the revision of his pay was required in view of merger of the IVth Pay Commission scales of pay under FR 22(1)(a)(i). For that two conditions are to be fulfilled. They are:-

- 1) The scale of the promoted post is higher than the lower post;
- 2) The applicant has to shoulder higher responsibilities.

In our opinion, the first point has not been met with by the applicant. The applicant has not made out any case to show that when he was already holding the post of Senior Chargeman after the implementation of the IVth Pay Commission scales of pay, he was asked to shoulder higher responsibilities after implementation of IVth Pay Commission even though he was holding the same post.

6. In view of that, we find both the points are not fulfilled by the applicant and hence on that score also the OA is liable to be dismissed.





7. In view of what is stated above, we find no merit in this OA. Hence, the OA is dismissed. No costs.


(B.S.JAI PARAMESHWAR)

MEMBER (JUDL.)


(R.RANGARAJAN)

MEMBER (ADMN.)

DATED: this the 20th day of March, 2000

Dictated in the Open Court

DSN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH,
HYDERABAD.

1ST AND 2ND COURT

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

COPY TO

1. HDHND
2. HRRN. (ADMN) MEMBER.
3. HBSJP. M. (JUDL)
4. D.J.R. (ADMN)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

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

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN)

THE HON'BLE MR. B.S. JAI PARAMESHWAR
MEMBER (JUDL)

DATE OF ORDER

20/3/00

MA/RA/CP. NO

IN

C.A. NO.

582/00

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

8 copies

केन्द्रीय प्रशासनिक यंत्रिकालय Central Administrative Tribunal घोषण / DESPATCH 28 MAR 2000 हैदराबाद बेंच HYDERABAD BENCH
