

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R.

O.A. NO. 643/93

Date of decision: 6.4.94

GHANSHYAM DAS SAMBHARIA : Applicant.

VERSUS

UNION OF INDIA & ORS : Respondents.

Mr. K.S. Sharma : Counsel for the applicant.

Mr. M. Rafiq : Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

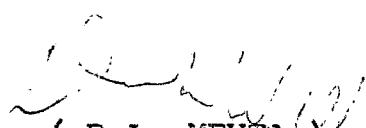
The applicant filed petition before this Tribunal and prayed that Respondent Nos. 1 and 2 be directed to step-up the pay equal to the Respondent no. 3 which is being paid to him vide Annexure A-1 dated 17.8.90 on the ground that Respondent no. 3 is junior to the applicant. He has prayed that the stepping-up is necessary for the removal of pay anomaly created by Annexure A-1. He further prayed that the benefit should be extended to him from 1.5.90. On behalf of the respondents, reply has been filed and they have produced the copy of the order, Annexure R-1, dated 10.2.94. In para 4 of the said order it has been mentioned that anomaly will be removed as one time settlement as on 1.5.90 of those senior officers who were getting more pay on 1.5.90 than those who have availed the benefit of two advance increments under the new scheme and started getting less pay as a result of those advance increments. The total benefit of an official/officer may get will have to be less than two increments because if it is full two increments, the officers who started getting benefit from 1.5.90 may again go to the court stating that the senior officers got the benefit twice.

2. The same identical issue was before the Principal Bench and the Principal Bench vide Annexure A-2 Judgment dated 17.7.92 in OA No. 2420/91 Navendra Kumar & Ors Vs. Union of India & Ors, directed the respondents to step-up

the pay of the applicants to the level of the junior with all consequential benefits of pay and allowances. The respondents were further directed to comply with the directions within three months from the date of receipt of a copy of the order.

3. This Judgment has not been challenged by the respondents and thus, has become final. In the result, the petition is accepted. The applicant should be given the same benefits which were extended to Navendra Kumar in O.A. No. 2420/91 dated 17.7.92. All the benefits should be extended within three months from the date of receipt of a copy of this order. The order of the respondents which may be inconsistent with the Judgment of the Principal Bench, particularly the part of Para 4 should not be applied.

4. The O.A. stands disposed of accordingly, with no order as to costs.


(D.L. MEHTA)
Vice-Chairman