

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.100/94

Date of order: 11/11/99

Prem Prakash Sethi, S/o Shri Narain Das Sethi, R/o  
4M-11-A Jawahar Nagar, Jaipur, employed on the post  
of Head Clerk in the O/O Executive Engineer, Telecom  
Civil Division, Jaipur.

...Applicant.

Vs.

1. Union of India through Secretary Ministry of Telecommu-  
nications, Sanchar Bhavan, New Delhi.
2. The Chief General Manager, Telecom, Sardar Patel Marg,  
C-Scheme, Jaipur.
3. The Superintending Engineer(C), Telecom Civil Circle,  
5A Jamna Lal Bajaj Marg, C-Scheme, Jaipur.

...Respondents.

Mr.J.K.Kaushik) - Counsel for applicant  
Mr.Shiv Kumar )

Mr.V.S.Gurjar - Counsel for respondents.

CORAM:

Hon. Mr.S.K.Agarwal, Judicial Member

Hon. Mr.N.P.Nawani, Administrative Member.

PER HON'BLE MRS.S.K.AGARWAL, JUDICIAL MEMBER.

In this Original Application the applicant makes a prayer  
to direct the respondents to consider the case of the applicant  
for posting on the identified post of U.D.C and in the alterna-  
tive, the pay of the applicant may be stepped-up at par with his  
next junior Shri Shyam Sunder and allow all consequential  
benefits.

2. The learned counsel for the applicant during the course  
of arguments only pressed the case of the applicant for  
stepping-up.

3. In reply, it has been stated by the learned counsel for  
the respondents that no case of stepping-up is made out in  
favour of the applicant, therefore, this O.A is devoid of any  
merit and is liable to be dismissed.

4. Heard the learned counsel for the parties and also perused  
the whole record.

5. The provisions given in F.R 22-C are as follows:

(a) Both the junior and senior officers should belong  
to the same cadre and the posts in which they have  
been promoted or appointed should be identical and  
in the same cadre.

(b) The scales of pay of the lower and higher posts in  
which they are entitled to draw pay should be  
identical.

(c) The anomaly should be directly as a result of the  
application of F.R 22-C. For example if even in the  
lower post the junior officer draws from time to

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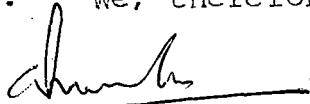
time a higher rate of pay than the senior by virtue of grant of advance increments, the above provisions will not be invoked to step up the pay of the senior officer.

6. We have given thoughtful consideration on the prayer of the applicant. in view of the conditions laid down for the application of FR 22-C.

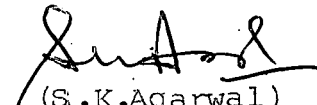
7. In E.S.I. Corporation and Anr. Vs. P.K. Srinivas Murthy & Ors decided on 23.7.97, Hon'ble the Supreme Court held that stepping up can only be allowed subject to the conditions laid down in FR 22-C.

8. In our considered view, the case of the applicant is not covered in favour of the conditions mentioned in FR 22-C. Therefore, we do not find any merit in this O.A and the same is liable to be dismissed.

9. We, therefore, dismiss this O.A with no order as to costs.



(N.P. Nawani)  
Member (A).



(S.K. Agarwal)  
Member (J).