

(JY)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Q.A.No.100/94

Date of order: 11/15/99

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 Telecommunications, 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 MR.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 alternative, 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.

Arunkumar

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

S.K. Agarwal

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