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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

OA No.355/1994

Date of order:13.04.1999

S.L.Arora S/o Shri Mala Ram Arora aged about 47 years, r/o Plot No.1, Ward No.34, Pal Bichla, Ajmer, presently posted as Senior Cashier, Western Railway, Ajmer.

.. Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Bombay.
2. Chief Cashier, Office of the Chief Cashier, Western Railway, Churchgate, Bombay.

.. Respondents

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

Mt. Vinod Goyal, counsel for the applicant

Mr. U.D.Sharma, counsel for the respondents

ORDER

Per Hon'ble Mr. Gopal Krishna, Vice Chairman

Applicant, S.L.Arora, has filed this application praying for a direction to the respondents to give benefit of stepping up of the pay of the applicant at par with that of his junior namely Shri T.H.Lalwani.

2. We have heard the counsel for the parties and have perused the records.

3. The applicant's case is that Shri T.H.Lalwani was posted as Senior Cashier at Bombay for a long time. During his posting at Bombay Shri Lalwani had worked on ad hoc basis as Senior Cashier, and since he had worked as Senior Cashier continuously, he was given two ~~Chh~~ additional increments on that post. The applicant was not

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given chance to work on the higher post of Senior Cashier despite ~~of~~ the fact that he was senior to Shri Lalwani. It is also stated that the applicant did not know that Shri Lalwani is officiating on the higher post of Senior Cashier but when the pay scales were revised on the basis of the report of the 4th Pay Commission in the year 1986, the applicant came to know that Shri Lalwani has been given the benefit of additional two increments. Applicant being senior to him has, therefore, filed this application praying for stepping up of his pay at par with that of Shri T.H.Lalwani. It is borne out by the record that Shri Lalwani had been given the benefit of two increments in the pay scale of the post of Senior Cashier during the period from 6.8.1984 to 21.4.1986 when he was promoted as Senior Cashier at Bombay on purely ad hoc basis by way of a temporary local arrangement and since the applicant has not performed the duties and functions of the higher post of Senior Cashier prior to his promotion ^{to} ~~at~~ the said post on 12.3.86, the applicant is not entitled to claim benefit of stepping up of his pay vis-a-vis Shri T.H.Lalwani on the mere consideration that he was senior to Shri Lalwani as the anomaly had not arisen as a result of application of FR 22 (C), the applicant cannot claim parity in pay vis-a-vis Shri Lalwani. We are fortified in our view by a decision of Hon'ble the Supreme Court reported in 1998 SCC (L&S) 1509, Union of India and Ors. Vs. M.Surya Narayana Rao.

4. In the result, this application has no force and it is, therefore, dismissed with no order as to costs.

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(GOPAL SINGH)

Adm. Member

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(GOPAL KRISHNA)

Vice Chairman