

25

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

22.05.2012

TA 09/2010 (CWP No. 8796/2004)

Mr. C.B. Sharma, Proxy counsel for
Mr. M.S. Gupta, Counsel for applicant.
Mr. Inderjeet Singh, Counsel for respondents.

On the request of the proxy counsel appearing on
behalf of the learned counsel for the applicant, list it on
25.07.2012.

Anil Kumar
(Anil Kumar)
Member (A)

K.S. Rathore
(Justice K.S. Rathore)
Member (J)

ahq

25/07/2012

TA No. 09/2010 (CWP No. 8796/2004)

Mr. Surendra Singh, proxy counsel for
Mr. M. S. Gupta, Counsel for applicant.
Mr. Inderjeet Singh, Counsel for respondents.

Heard.

T.A. is disposed of by a
Separate order on the separate
sheets for the reasons recorded
therein.

Anil Kumar
[Anil Kumar]
Member (A)

K.S. Rathore
[Justice K.S. Rathore]
Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 25th day of July, 2012

**Transferred Application No.09/2010
(SB CWP No.8796/2004)**

CORAM:

**HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)
HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)**

R.D.Maheshwari
s/o late Sh. Gopinath Ji Maheshwari,
r/o 41, Indra Colony,
Bani Park,
Jaipur

.. Applicant

(By Advocate: Shri Surendra Singh, proxy counsel for Shri Man Singh Gupta))

Versus

1. Union of India
through Secretary to the Govt. of India
Ministry of Communication,
Department of Telecommunication,
New Delhi,
2. Chairman cum Managing Director,
B.S.N.L., New Delhi.
3. Chief General Manager,
Rajasthan Circle,
Sardar Patel Marg,
Jaipur.
4. P.General Manager,
Telecom Deptt.,
M.I. Road, Jaipur.

5. Divisional Engineer,
Circle Telecom Store Depot,
Baria House,
Jaipur.

.. Respondents

(By Advocate: Shri Inderjeet Singh)

ORDER (ORAL)

Brief facts of the case are that the applicant was initially appointed as Time Scale Clerk on 16.8.1962. He was promoted as Lower Selection Grade w.e.f. 1.6.1974 and further promoted as Chief Section Supervisor in May, 2000 and ultimately retired as Chief Section Supervisor on 30.9.2001 on attaining the age of superannuation.

2. The grievance of the applicant is that his junior Shri M.G.Pareek was recruited in the year 1962 as Time Scale Clerk and was finally promoted as Chief Section Supervisor in November, 2000 and stood retired in June, 2002. A final gradation list was circulated on 8.2.1999 in which applicant's name is shown at No. 35 whereas Shri M.G. Pareek is shown at No.39. This gradation list conclusively proves that Shri Pareek was junior to the applicant and, therefore, prayed that his pay ought to have been stepped up at par with his junior Shri M.G.Pareek at Rs. 11175/- as on 1.10.2000 in pay scale Rs. 7800-225-11175 and Rs. 11510/- as on 29.11.2000. To this effect, the applicant submitted representation stating that he is entitled to get his pay stepped up equivalent to Shri M.G.Pareek, Chief Section Supervisor as on 1.10.2000 at Rs. 11175/- and on 29.11.2000 at Rs.



11510. It further stated that not stepping up of pay equivalent to his junior Shri M.G.Pareek is a continuous wrong as the applicant's pension and post retrial benefits have been adversely affected and he is getting lesser pension and other benefits. Therefore, this OA has been filed by the applicant claiming stepping up of pay at par with his junior Shri M.G.Pareek.

3. Per contra, the learned counsel appearing for the respondents submitted that pay of the applicant was fixed at the stage of Rs. 11020/- as on 1.10.2000 in the revised pay scale of Rs. 8570-245-12245 (corresponding to old scale Rs. 10500) and so far as Shri M.G. Pareek is concerned, his pay was fixed at the stage of Rs. 11175/- as on 1.10.2000 in the revised pay scale of Rs. 7800-225-11175 (corresponding to old pay scale of Rs. 5500-175-9000). It is further stated that in the case of both the officials i.e. the applicant and Shri M.G.Pareek, old and revised pay scales were different and therefore the same is not comparable. The pay of both the officials was fixed as per the instructions and guidelines contained in BSNL Office Order dated 7.8.20002 and no case of stepping up is made out by the applicant as he has no parity with Shri M.G.Pareek. The applicant and Shri M.G.Pareek were in different pay scales before 1.10.2000 and even on 24.8.2001 Shri M.G.Pareek was fixed at Rs. 11510 on being promoted as Chief Section Supervisor, therefore, the applicant is not entitled to get his pay stepped up at par with Shri M.G.Pareek and accordingly, he was paid Rs. 42616/- towards GPF on 15.10.2001, Rs. 221389/- towards commutation, savings etc. on



1.10.2000 and Rs. 325607/- towards DCRG and leave encashment on 28.9.2001.

4. Upon seeking clarification regarding stepping up of pay of the applicant, the Accounts Officer (Cash) O/o Chief General Manager Telecom, Raj. Telecom Circle, Jaipur vide letter dated 18.2.2005 (Ann.R/1) has clarified as under:-

"Kindly refer to your letter no. cited above. Some specific cases of pay anomaly in I.D.A. scales have been examined by the Committee at the level of B.S.N.L. H.Q. and issued instructions in this regard. In this connection, it is informed that in view of instructions contained in the clarification of B.S.N.L. H.Q., New Delhi letter no. 250-8/2003-Pers-III (Pt.I) dated 22.12.2004 duly endorsed vide Chief G.M.T., Jaipur letter no. Estt./30-112/26 dated 28.12.2004, anomaly in pay of the official do not exist.

Moreover, the case do not fall within the purview of anomaly under Rule 22 of F.R.S.R."

5. We have also perused letter dated 7.7.2006 issued to implement the CAT, Jaipur Bench order dated 25.4.2003 in OA No.64/2000 filed by Shri Ram Dayal and others and in view of the direction issued by this Tribunal, the following employees were promoted in BCR Gr.IV:-

Sl.No.	Name of the official S/Sri	Staff No. ST-1/	Previous Date of promotion	Revised Date of Promotion due to CAT order
1.	Ram Dayal	176	31.5.1999	17.01.95
2.	B.L.Nawaria	107	26.05.1999	17.01.95

3.	R.K.Agrawal	177	31.05.2000	17.01.95
4.	G.C.Gupta	123		17.01.95
5.	H.P.Sharma	131	17.01.95
6.	M.G.Pareek	150	24.08.2001	17.01.95
7.	D.P.Jain	3042	22.08.2001	17.01.95
8.	G.L.Chejara	124	17.01.95
9.	N.D.Dharmdasani	3052	17.01.95
10.	R.D.Sharma	180	17.01.95
11.	S.R.Pathik	3048	22.08.2001	17.01.95
12.	M.L.Bhat	2082	15.07.2002	17.01.95

5. Upon perusal of the letter dated 7.7.2006, it reveals that the date of promotion of Shri M.G.Pareek was revised on account of the order dated 25.4.2003 passed in OA No.64/2000 from 24.08.2001 to 17.01.1995. The contention of the applicant that Shri M.G.Pareek is junior to the applicant cannot be accepted on the face of the letter dated 7.7.2006 which is passed to implement the order of this Bench and in view of this letter, the relief claimed by the applicant does not survive.

6. Consequently, no interference, whatsoever, is called for and the TA being devoid of merit fails and the same is hereby dismissed with no order as to costs.

Anil Kumar

(ANIL KUMAR)
Admv. Member

R/

K.S. Rathore

(JUSTICE K.S.RATHORE)
Judl. Member