

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 8.11.2000

OA 2/96

Hiro Harjani s/o Late Shri J.S. Harjani r/o 26, Sindhi Colony, Bani Park, Jaipur.

... Applicant

Versus

1. Union of India through Secretary, Ministry of Communications, New Delhi.
2. Director General Telecommunications, Telecom Commission, Sanchar Bhawan, New Delhi.
3. Chief Manager Telecommunication, Rajasthan Circle, Jaipur.

... Respondents

CORAM:

HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

For the applicant ... Mr.S.K.Jain

For the respondents ... Mr.M.Rafiq

O R D E R

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

In this OA filed u/s 19 of the Administrative Tribunals Act, 1985, the relief sought by the applicant is to direct the respondents to extend the benefit of the judgement (Annexure A/5) and other such judgements to the applicant being similarly placed person from the date his junior enjoyed on being regular in TTS Group-B and to fix up the pay of the applicant at par with Shri B.Singh, who is admittedly junior to the applicant and drawing higher pay.


2. On perusal of the averments made in this OA, the main controversy involved in this case is that the applicant is admittedly senior to Shri

B.Singh but he is getting less pay than his junior. Therefore, the applicant seeks stepping up at par with Shri B.Singh.

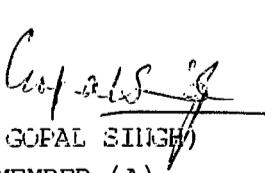
3. Reply was filed by the respondents. In the reply it is stated that Shri B.Singh was allowed to officiate in TTS Group-B w.e.f. 27.5.78 till July, 1984. Therefore, Shri B.Singh was given increments during the period and on regular promotion applicant's pay was fixed less than the pay of Shri B.Singh, who was admittedly junior to the applicant.

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

5. In Union of India and Others v. M.Suryanarayana Rao, Civil Appeal No.3752/98, decided on 7.8.98, Hon'ble the Supreme Court held that junior getting higher pay due to ad hoc promotion do not entitle senior to claim stepping up. Hon'ble the Supreme Court while considering the judgement of Union of India v. R.Swaminathan and Others, 1997 (7) SCC 690, held that if junior is getting higher pay due to earlier promotion on ad hoc basis, rules do not distinguish between ad hoc or regular promotion. Hence the senior is not entitled to stepping up at par with his junior.

6. In view of the settled legal position and facts and circumstances of this case, we are of the considered opinion that the applicant is not entitled to the relief sought for and this OA devoid of any merit is liable to be dismissed.

7. We, therefore, dismiss this OA having no merits. No order as to costs.


(GOPAL SINGH)

MEMBER (A)


(S.K. AGARWAL)

MEMBER (J)