

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,
JAIPUR

OA No.277/96

Date of order: 13.04.1999

M.L.Pareek S/o Shri Kanhaiya Lal, aged about 46 years, r/o 79-B, Santosh Nagar, Ajmer Road, Jaipur and working as Senior Accounts Officer, Office of the General Manager Telecom (East), Jaipur.

.. Applicant

Versus

1. Union of India through the Secretary to the Govt. of India, Department of Telecommunications, Sanchar Bhawan, New Delhi- 110 001.
2. Director General, Department of Telecommunications, Sanchar Bhawan, New Delhi.
3. Chief General Manager Telecommunications, Rajasthan Telecommunications circle, Jaipur.
4. Chief General Manager Telecommunications, West Bengal Telecommunications Circle, Calcutta
5. Ratan Chand Chakraborty, Finance Officer O/o Chief Engineer Electrical (East Zone), 195, Rasbehari Avenue, 3rd Floor, Calcutta.

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

Mr. K.L.Thawani, counsel for the applicant

Mr. V.S.Gurjar, counsel for the respondents

ORDER

Per Hon'ble Mr. Gopal Krishna, Vice Chairman

Applicant, M.L.Pareek, has filed this application under Section 19 of the Administrative Tribunals Act, 1985 praying for a direction to the respondents to step up his pay at par with that of his junior Shri Ratan Chand Chakraborty (respondent No.5) w.e.f. 27.6.1994.

2. We have heard the counsel for the parties and have carefully pursued the records.

3. The case of the applicant is that Shri Ratan Chand Chakraborty being junior to the applicant was given promotion as Accounts Officer on 27.6.1994 much later than the applicant but his pay has been fixed higher than that of the applicant w.e.f. 27.6.1994. On a verification of the facts by the applicant, it was revealed that Shri Ratan Chand Chakraborty was officiating as Accounts

Chakraborty

(10)

Officer on ad hoc basis due to fortuitous promotion by way of a local arrangement and his pay was, therefore, fixed at a higher stage. Thus the anomaly is not the direct result of the application of FR 22(I)(a)(1). We are fortified in our view by a judgment of Hon'ble the Supreme Court reported in 1997 SCC (L&S) 1852, Union of India and Anr. Vs. R. Swaminathan and Ors.

4. This application has, therefore, no force and it is hereby dismissed with no order as to costs.

Gopal Singh

(GOPAL SINGH)

Adm. Member

Gopal Krishna

(GOPAL KRISHNA)

Vice Chairman