

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 6/12/2601

OA No. 604/1996

Sunil Kumar Chaurasia s/o Shri Jamuna Lal Chaurasia, working as Head Draftsman, DRM Office, Kota Jn.

OA No. 609/96

Prem Chand Chokniwal s/o Shri Ladli Lal, working as Head Draftsman in Dy. CSTE (C) Kota in front of Ram Swara, Rewatilal Halwai Ki Gali, Nayapura, Kota.

..Applicants

Versus

1. The General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager (E), Western Railway, Kota Jn.
3. Ramendra Singh, Sr. Draftsman, Divisional Railway Manager's Office, Kota Jn.

.. Respondents

Mr. V.P. Mishra, counsel for the applicants

Mr. S.R. Samota, proxy counsel to

Mr. Tej Prakash Sharma, counsel for the respondents

CORAM:

Hon'ble Mr. S.K. Agarwal, Judicial Member

Hon'ble Mr. A.P. Nagrath, Administrative Member

ORDER

Per Hon'ble Mr. A.P. Nagrath, Administrative Member

These two applications are decided by this common order as the applicants in these two OAs are similarly placed and are aggrieved by the same orders dated 4.10.96 and 23.10.96 filed at Ann.A6 and A7 in both the cases.



2. The applicants are aggrieved with denial of stepping up of pay with respect to their junior Shri Ramendra Singh (respondent No.3). The fact of their senior to Shri Ramendra Singh is not in dispute. The respondents have defended their action of denying proforma fixation and stepping up of pay to the applicants for the reason that Shri Ramendra Singh had only been promoted on ad-hoc basis as Senior Draftsman in grade Rs. 425-700/1400-2300 as a local arrangement. At the relevant time when respondent No.3 was promoted on ad-hoc basis, the applicants had been working in railway electrification organisation, though they had their lien in Kota Division and were senior to respondent No.3. The applicants and also respondent No.3 were regularly promoted as Senior Draftsman vide order dated 12.10.95.

3. We find from the facts on record that earlier the applicant, Shri Sunil Kumar Chaurasia, was given ad-hoc promotion w.e.f. 14.9.88 as against the junior Shri Ramendra Singh who was promoted on 2.3.86. Similarly, the applicant, Shri Prem Chand Chokniwal, was promoted on ad-hoc basis on 14.9.88. They were given proforma fixation with respect to their junior Shri Ramendra Singh. Vide impugned letter dated 4.10.96 the stepping up granted to the applicants was withdrawn on the plea that stepping up is not due with respect to the junior, who had been promoted only on ad-hoc basis. Against this order, applicant, Shri Sunil Kumar Chaurasia has represented on 24.7.96 while applicant, Shri Prem Chand Chokniwal, represented on 31.7.1996. Their representations were

turned down by letter dated 23.10.96 on the same ground that the promotion given to Shri Ramendra Singh was purely ad-hoc and as a local arrangement and in such a situation stepping up of pay is not admissible.

4. Heard the learned counsel for the parties. The learned counsel for the applicants brought to our notice a judgment of the Principal Bench where the same matter had been heard in respect of Salim Ahmed Khan in OA No.2913 of 1997 which was decided on 22nd November, 2000. In that case also the applicant Salim Ahmed Khan had claimed stepping up of pay with respect to the same Shri Ramendra Singh and that was allowed by the Principal Bench. We consider it relevant to reproduce paras 9 to 12 of the said order which applies directly in the instant case also:-

"9. As per Railway Board's instructions, an anomaly whereby a senior promoted to a higher post draws less pay than his junior promoted to that or equivalent post can be removed only if the following 3 conditions are satisfied:

- i) Both the junior and the senior employees should belong to the same cadre and the posts in which they have been promoted or appointed should be identical or in the same grade.
- ii) The scale of pay of the lower and the higher posts in which they are entitled to draw pay should be identical.
- iii) The anomaly should be directly as a result of the application of Rule 2018 E-R-III (Corresponding to FR 22(1)(a)(1).

10. However, Railway Board in its letter dated



5.10.76, a copy of which has been taken on record, had also made it clear that the benefits of stepping up of pay may also be given on adhoc promotions, provided that the adhoc promotion of senior and junior persons are followed by their regular promotions without break. In such case, the pay of senior person is required to be stepped up from the date of that anomaly i.e. from the date of promotion of junior and not from the date of regulation of his promotion.

11. Applicant has furnished a chart in which it is stated that adhoc promotion of his junior Shri Ramendra Singh was followed by his regular promotion without break. This circular dated 5.10.76 does not appear to have considered by respondents when they passed the impugned order disposing of applicant's representation.

12. In the light of above, this OA succeeds and is allowed to the extent that the respondents are directed to reconsider applicant's claim for stepping up of his pay as Sr. Draftsman (Rs. 1400-2300) with consequential monetary benefits w.e.f. 5.5.86, which is the date his junior Shri Ramendra Singh was promoted as Sr. Draftsman (Rs. 1400-2300) on adhoc basis, by means of a detailed, speaking and reasoned order within 3 months from the date of receipt of a copy of this order. No costs."



5. We find ourselves in complete respectfull agreement with the decision arrived at by the Principal Bench. We, therefore, allow these OAs and direct the respondents to grant stepping up of pay to the two applicants with respect to their junior Shri Ramendra Singh from the date, the applicants were themselves promoted on ad-hoc basis to the grade Rs. 425-700/1400-2300. The respondents shall comply with this order within a period of three months from the date of receipt of certified copy of this order. No order as to costs.

Agarwal
(A.P.NAGRATH)

Adm. Member

Agarwal
(S.K.AGARWAL)

Judl.Member