

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR
Original Application No 777 of 2004

Jabalpur, this the 18th day of May, 2005.

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

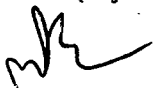
Govind Prasad Khare,
S/o Late A.P. Khare,
Aged 55 years, personnel
No.701120/537, Upper Division Clerk,
Gun Carriage Factory, Jabalpur(M.P.)

(By Advocate – Shri Sanjay Yadav)

V E R S U S

1. Union of India,
Through it's Secretary,
Ministry of Defence,
New Delhil
2. Ordinance Factory Board,
Through it's Chairman,
10-A Khudiram Bose Road,
Kolkata.
3. General Manager, Gun Carriage
Factory, Jabalpur.
4. Shri H.L. Yadav, UDF 701252/2438,
Gun Carriage
Factory, Jabalpur.
5. Shri S.K. Banerji, UDC, 701885/183
Gun Carriage
Factory, Jabalpur.

(By Advocate – Shri K.N. Pethia)



ORDER (Oral)

By M.P. Singh, Vice Chairman –

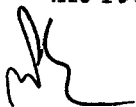
By filing this Original Application, the applicant has sought the following main reliefs :-

“(i) Direct Respondents No.1 to 3 to Step up the pay of the Petitioner viz a viz respondents No.4 & 5 from the date when the juniors have been given the higher pay and further direct the respondents to grant arrears.

“(ii) Direct the respondents to pay the seniority of Respondent No.5 below the petitioner as per the verdict of this Hon’ble Court”

2. The brief facts of the case are that the applicant was appointed as Labour ‘B’ in the pay scale of Rs.70-85 on 3.5.1972. Subsequently he was promoted to the post of Checker in the pay scale of Rs.225-308 on 30.3.1973. Thereafter he was promoted as LDC in the pay scale of Rs. 260-400 on 1.4.1977 and subsequently he was promoted as UDC in the pay scale of Rs.1200-2040 on 1.8.1987. The private respondents No.4 and 5 were appointed on 6.7.1972 and promoted as LDC on 1.4.1977 and further promoted to the post of Asstt. Cashier in the scale of Rs.1200-2040 on 1.8.1984. The aforesaid post of Asstt. Cashier was redesignated as UDC w.e.f. 13.2.1990. The main grievance of the applicant is that he is senior to the private respondents No.4 and 5 ^{but} ~~and~~ he is still drawing lesser pay than the private respondents. He has therefore, submitted that his pay should have been stepped up, bringing at par with the private respondents No.4 and 5 but the respondents have rejected his claim. Hence, this OA.

3. Heard the learned counsel for the parties and carefully perused the records.



4. The learned counsel for the respondents stated that although the applicant is senior to the private respondents No.4 and 5 as he was initially appointed as Labour 'B' on 3.5.1972 whereas private respondents No. 4 and 5 were initially appointed on 6.7.1972 and promoted to the post LDC on 1.4.1977 and further promoted to the post of Asstt. Cashier in the pay scale of Rs. 1200-20040 on 1.8.84. The post of Asstt. Cashier was redesignated as U.D.C. w.e.f. 13.2.1990. Thus, they are drawing higher pay than the applicant. The learned counsel for the respondents further stated that the private respondent No.4 was holding the higher scale of pay from 1984 onwards while the applicant could get the aforesaid pay scale in August, 1987. Therefore, the applicant cannot be allowed to step up his pay bringing at par with the private respondents.

5. We have given careful consideration to the rival contentions of both the parties and we find that the applicant was initially appointed on 3.5.1972 whereas the private respondents Nos. 4 and 5 were initially appointed on 6.7.1972 and the applicant as well as private respondents were promoted as LDC on same date i.e. on 1.4.1977. However, the private respondents ² were started working on the post of Asstt. Cashier from 1984 onwards in the higher pay scale of Rs.1200-2040 and the said post was redesignated as UDC subsequently whereas the applicant could get the aforesaid pay scale in August 1987. Thus, the private respondents are getting higher pay than the applicant. As per the instructions issued by the Government of India for stepping up of pay with reference to juniors, the following conditions are to be satisfied :-

"(a) both the junior and senior officer should belong to the same cadre and the posts in which they have been promoted or appointed should be identical and in the same cadre;

(b) the scales of pay of the lower and higher posts in which the junior and senior officer are entitled to draw pay should be identical;

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- (c) the anomaly should be directly as a result of the application of FR 22-C for example, if even in the lower post the junior officer draws from time to time a higher rate of pay than the senior by virtue of grant of advance increments or on any other account, the above provisions will not be invoked to step up the pay of senior officer."

6. In the present case the private respondents Nos. 4 & 5 started working in the higher pay scale of Rs.1200-2040 w.e.f. 1.8.1984 whereas the applicant has started working in the said scale w.e.f. 1.8.1987. Therefore, the applicant has not satisfied the condition No.(c) as stated above. In this view of the matter we do not find any irregularity or illegality committed by the respondents in not stepping up the pay of the applicant at par with the private respondents No.4 & 5.

7. In the result, the OA is bereft of merit. Accordingly, the OA is dismissed. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....

पतिलिपि आजे थिता:-

- (1) सचिव, उच्च न्यायालय एवं एडमिनिस्ट्रेशन, जबलपुर
- (2) आदेशक, एडमिनिस्ट्रेशन,के कार्यालय
- (3) प्रत्यक्षी सी/डी/एडमिनिस्ट्रेशन,के कार्यालय
- (4) संयोजक, कोर्ट,के कार्यालय

सूचना एवं आचार्यक कार्यालयी हेतु

जबलपुर

Sanjay Verma
DN MB
K.N. Pruthi
DN MB
JBR

Issued
On 1.6.07