

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 314 of 2001

Jabalpur, this the 19th day of April, 2004

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

D.N. Naik, Son of late Shri Khubchand,
Naik, aged about 56 years, Working as
Assistant Audit Officer, in the office of
the Accountant General (Audit)-I, Motimahal,
Gwalior, R/o. Type-III/47, Shastri Nagar,
Gandhi Road, Gwalior (MP). ... Applicant

(By Advocate - None)

V e r s u s

1. Union of India, Through
Secretary, Ministry of Personnel
Public Grievances and Pension,
Department of Personnel and Training,
North Block, New Delhi - 110 001.
2. Comptroller and Auditor General of
India, 10, Bahadur Shah Zafar Marg,
Indra Prastha Estate, New Delhi-110 002.
3. Accountant General (Audit)-I,
Madhya Pradesh, Motimahal,
Gwalior (MP). ... Respondents

Patel

(By Advocate - Shri Harshit/on behalf of Shri S.C. Sharma)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

By filing this Original Application the applicant is
claiming the following main reliefs :

"(i) the respondents 2 and 3 be directed to remove the
pay anomaly in the case of the petitioner. The impugned
order dt. 22.5.2000/26.5.2000 as contained in Annexure
A-12 may kindly be quashed. Further the respondents be
directed to pay all the service benefits of pay and
allowances including arrears from the date of anomaly i.
29.7.1987 to the petitioner.

(ii) the respondents be also directed to fix the date
of next increment after removal of anomaly wef 1.2.1988,
in which date the junior was given next increment.

(iii) the respondents be also directed to pay all due
arrears from the date of anomaly with interest with
retrospective effect accordingly."

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2. The brief facts of the case are that the applicant is working as Assistant Audit Officer in the office of the Accountant General, Gwalior. According to the applicant one Shri A.K. Gupta who is also working as Assistant Audit Officer in the same post, is drawing the salary of Rs. 8,900/- with effect from 1.2.2001 and the applicant is drawing salary of Rs. 8,700/- with effect from 1.1.2001, inspite of the fact that Shri Gupta is very junior to the applicant. Hence the applicant has filed this Original Application for stepping up of his pay, so as to bring it at par with Shri A.K. Gupta.

3. None is present for the applicant. Since it is a old case of 2001, we proceed to dispose of this OA by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for respondents.

4. The admitted facts of the case are that the applicant is working as Assistant Audit Officer in the office of Accountant General, Gwalior and Shri A.K. Gupta is also working as Assistant Audit Officer who is junior to him in the same office of Accountant General, Gwalior. Shri A.K. Gupta is drawing more pay than that of the applicant. Shri Gupta while working as Senior Auditor was on deputation on a higher post of Section Officer and was drawing more pay than the applicant from 29.1.1986 to 3.6.1987. After Shri Gupta repatriated to his parent office on 4.6.1987 as he Senior Auditor was promoted as Section Officer in his parent office and his pay was fixed at the stage of Rs. 1,880/- because the service rendered by him in the same scale in the deputation office was taken into account while fixing his date of next increment in the Audit Office. Shri Gupta also drew special pay on enhanced rate of Rs. 70/- by virtue of passing SOGE till date of his promotion on 29.7.1987 as

Section Officer. Whereas the applicant drew special pay at

the rate of Rs. 20/- till 30.7.1983 i.e. the date of his promotion as Section Officer. Shri Gupta also drew more pay at the rate of Rs. 135/- during 13.8.1971 to 17.8.1971 by virtue of grant of increment on 14.5.1971.

5. As per the instructions of the Ministry of Finance/^{issued} from time to time stepping up should be done with effect from the date of promotion or appointment of the junior officer and will be subject to the following conditions :

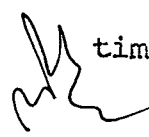
(a) Both the junior and senior officers should belong to the same cadre and the posts in which they have been promoted or appointed should be identical and in the same cadre;

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

(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, the above provisions will not be invoked to step up the pay of the senior officer.

The orders refixing the pay of the senior officers in accordance with the above provisions shall be issued under FR 27. The next increment of the senior officer will be drawn on completion of the requisite qualifying service with effect from the date of refixation of pay.

In this case it is not in dispute that Shri A.K. Gupta was drawing higher pay than the applicant in the lower grade and the anomaly of drawing higher pay by the junior to the applicant has not arisen, directly as a result of application of FR 22-C as in the present case the junior officer was drawing from time to time higher rate of pay than the senior and therefore the pay of the applicant cannot be stepped up to bring ^{it} at par with Shri A.K. Gupta as he does not fulfil all the conditions required for stepping up of pay as per the instructions issued by the Ministry of Finance from time to time.



6. Accordingly, the Original Application is without any merit and the same is dismissed. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

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पृष्ठांकन सं ०६/ज्या.....जबलपुर, दि.....

परिचयः

- (1) ...
- (2) ...
- (3) ...

(4) ग्रंथपाल, कोषी, सचिव एवं आवश्यक कार्यवाही हेतु सचिवा एवं आवश्यक कार्यवाही हेतु

रूप रजिस्ट्रार

RL Gupta

SC Sharma

Signed
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