

27

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH.

CIRCUIT COURT SITTING AT BILASPUR (CHHATTISGARH)

Original Application No. 429 of 1999

Bilaspur, this the 25th day of September, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman  
Hon'ble Shri Anand Kumar Bhatt, Administrative Member

B.N. Roy, S/o. Late Ram Gopal Roy,  
aged about 57 years, Chief Goods  
Supervisor, Incharge of Goods Freight  
Office, S.E. Railway, Bhilai (MP). ... Applicant

(By Advocate - None)

V e r s u s

1. Union of India, Through  
Secretary, Railways, Rail  
Bhawan, New Delhi.
2. General Manager, South  
Eastern Railway, Garden Reach,  
Calcutta-71.
3. Chief Personnel Officer  
(Comm), South-Eastern,  
Railway 14, Shrand Road,  
Calcutta-1 (W.P.).
4. Sr. Divisional Personnel  
Manager, South Eastern Railway,  
Bilaspur (M.P.). ... Respondents

(By Advocate - Shri S.S. Gupta)

O R D E R (Oral)

Justice V.S. Aggarwal -

The applicant is presently working as Chief Goods Supervisor at Goods Freight Office, South Eastern Railway, Bhilai (MP). He contended that he was promoted as Head Goods Clerk and Chief Goods Clerk, with effect from 01.01.1984. He appeared in the departmental test on 17.12.1984 and had passed the same. He was promoted as Chief Goods Supervisor from 01.01.1993. His basic salary was Rs. 7100/- with effect from 01.01.1996, whereas his juniors were drawing more basic salary ie Shri S.N. Rao, Chief Goods Supervisor and Shri A. Wadbood, G.F.O. The basic salaries of these persons have stated to have

18 Ag

been fixed at Rs. 7900/- from 01.01.1996 and 01.03.1998 respectively. The applicant's grievance is that he is senior to both of them and therefore his basic pay should be fixed at par with his juniors. Further more, it is the grievance of the applicant that he had passed the suitability test referred to above but was not promoted and this resulted in loss of two increments.

2. The petition has been contested.

3. The respondents' plea is that the applicant was not promoted as Head Goods Clerk from 01.01.1984. He was promoted as Chief Goods Clerk from 01.04.1985. Earlier to that the applicant was undergoing a penalty of stoppage of increment upto 31st March, 1985. As regards the other contention, the respondents' plea is that the two persons mentioned by the applicant were drawing more salary in the lower scale and therefore the question of stepping up the pay of the applicant will not arise.

4. We have carefully gone through the relevant record with the help of the respondents' learned counsel.

5. The applicant <sup>an</sup> on/earlier <sup>occasion</sup> ~~routine~~ had preferred OA No. 641/1998. This Tribunal had disposed of the same on 17th September, 1998 directing the Senior Divisional Personnel Manager of the Railway to take a decision on the letter of Assistant Personnel Officer on 12.02.1997 and 09.03.1996 within a period of three months and also keep in view the representation of the applicant dated 08.05.1998, while taking the decision.

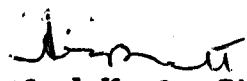
6. In pursuance of the same the Senior Divisional Personnel Manager, Bilaspur has passed a speaking order rejecting the

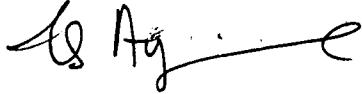
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claim of the applicant.

7. So far as the contention of the applicant that his juniors have been drawing more salary and therefore the salary of the applicant should be stepped up at par with the junior is concerned the answer forth-coming which goes un-rebutted is clear and unambiguous. Reference is being made to Para 1316 of IREC Volume-II, that no senior official will get benefit of stepping up of pay if the pay of the junior is more than the senior in the lower post. In the present case it is assailed that the said juniors were drawing more pay than the applicant in the lower post. The applicant feels shy of rebutting this fact and therefore has not filed a rejoinder. We do not find any reason to dispute the same and accordingly when such is the situation the juniors who were drawing more salary even in the lower post, necessarily they will draw more pay than the applicant.

8. As regards the other claims it is <sup>alleged</sup> ~~perseverance~~ that the applicant was undergoing a punishment of stoppage of <sup>one</sup> ~~of~~ increment without cumulative effect for a period of one year. This was effective upto 31.03.1985. Therefore the applicant was not promoted at that relevant time. There is nothing illegal or arbitrary in the said action and after that the applicant has been promoted. Therefore we have no hesitation in concluding that the petition has no merit. Resultantly the CA is dismissed.

  
(Anand Kumar Bhatt)  
Administrative Member

  
(V.S. Aggarwal)  
Chairman