

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 681 of 1998

Jabalpur, this the 12th day of August, 2003.

Hon'ble Mr. J.K. Kaushik, Judicial Member
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

Pramit Kumar Bose
aged 59 years,
S/o Late S.N. Bose,
Retire Divisional Engineer,
Telephones, Resident of 732,
Agrawal Colony, Jabalpur (M.P.)

APPLICANT

(By Advocate - Shri P.K. Tiwari)

VERSUS

1. The Union of India,
through the Secretary,
Ministry of Communication,
Deptt. of Telecommunications.
PAT, Section, New Delhi.
2. The Chief General Manager,
Bharat Ratna Bhim Rao Ambedkar-
Institute of Telecom Training
Jabalpur (M.P.)

RESPONDENTS

(By Advocate - Shri S.C. Sharma)

O R D E R

By J.K. Kaushik, Judicial Member -

Shri Pramit Kumar Bose has sought a direction to the respondents to step up his pay with effect from 1.5.1990 to Rs.3125/- with the next date of increment from 16.10.1990 raising pay to Rs.3200/- at par with his next junior Om Prakash. His pay in the next higher grade is also sought to be revised accordingly, in addition to the revision of his pension and other retiral benefits.

2. The brier facts of the case are that the applicant was initially appointed as Engineering Supervisor in P&T Department in 1963 . As per pre-1973 Scheme, he was granted two advance increments on acquiring higher Engineering qualification. Subsequently, from 1.5.1990 a new scheme

was introduced wherein two advance increments were granted to Group-B officers on acquiring higher Engineering qualifications and this created the pay anomalies in certain cases wherein the senior employees begin to draw less pay than their juniors. Further facts of the case of the applicant are that the applicant was senior to Shri Om Prakash. Shri Om Prakash got two advance increments with effect from 1.5.1990 and his pay was fixed at Rs.3125/- as on 1.5.1990, on the other hand the applicant was getting his pay of Rs.3050. prior to the granting of said advance increment Shri Om Prakash was drawing Rs.2975/- as basic pay which was less than the applicant. A specific office memorandum has been issued in this matter and the pay anomaly was required to be removed vide OM dated 12.4.1994.

3. A reply has been filed on behalf of the respondents and the facts and grounds raised in the Original Application have been generally controverted. It has been submitted that the pay anomaly in the present case is not due to benefit of two advance increments but it is due to the officiating of junior on the higher post and the same is not an anomaly in the strict sense or terms. Thus, he cannot get the stepping up of his pay at par with his junior. Certain additional documents have also been filed in this case.

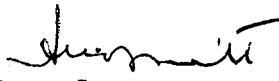
4. We have heard the learned counsel of the parties and have carefully considered the records of this case.

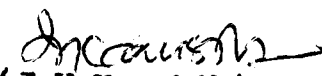
5. On the comparative chart which has been produced at Annexure-A-1, it is clear that up to 1.5.1990 the applicant was drawing more pay than the said Shri Om Prakash his next junior and the pay anomaly has only arisen after said Shri Om Prakash was granted two advance increments and the averment made in the reply filed on behalf of the respondents that the junior was getting higher pay due to officiating of the said junior on the higher post is contrary to the records of this case. We are reminded in the matter

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that a similar controversy has already been resolved by this bench of the Tribunal in OA No.793/1998, Shri C.R. Makhiyani and others Vs. Union of India & others, vide order dated 24.7.2003 where both of us were party to the judgment. A detailed discussion have been held in the aforesaid judgment wherein reliance has been placed on an earlier judgment of this Tribunal in K.K.Singh Vs. Union of India and others, O.A.No.260/1997 decided on 5.4.2002. There also the pay anomaly arises on 1.5.1990 due to grant of two advance increments to the junior and the Tribunal was pleased to direct stepping up of the pay of the applicant therein. We have no reason to take a different view in the matter, rather we unhesitatingly choose to follow the same. The detailed discussion is not being repeated here and the copy of the said judgment is placed on the record of this file. Therefore, this application is decided on the similar lines.

6. In the result, the Original Application is allowed. The respondents are directed to step up the pay of the applicant at Rs.3125/- with effect from 1.5.1990 at par with his next junior Shri Om Prakash and he shall be entitled to all consequential benefits including revision of pensionary benefits. However, the consequential benefits shall be on notional basis and the actual arrears shall be payable from the date of one year prior to the filing of the Original Application i.e. from 1.9.1997. This order shall be complied with within a period of three months from the date of communication of this order. No costs.


(Anand Kumar Bhatt)
Administrative Member


(J.K. Kaushik)
Judicial Member.