

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH
JABALPUR

O.A.NO.708/1998

Hon'ble Shri Sarweshwar jha, Member (A)
Hon'ble Shri G. Shanthappa, Member (J)

Jabalpur, this the 7th day of November, 2003

S.V.Pillai
s/o Sh. V.N.D.Pillai
r/o 7/15, H Type Khamariya
Jabalpur(MP). ... Applicant

(By Advocate: Sh. S.Nagu)

versus

1. Union of India through
Secretary
Department of Defence Production
South Block
New Delhi.
2. Directorate General
Aeronautical Quality Insurance
Ministry of Defence
H - Block, New Delhi-11.
3. Account Officer (Fys)
Controller of Defence Accounts
10A Auckland Road
Calcutta - 700 001. ... Respondents

(By Advocate: Sh. S.C.Sharma)

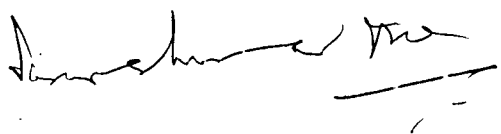
O R D E R (Oral)

By Sh. Sarweshwar Jha, Member (A):

The applicant has impugned the letter dated 14.8.1996 (Annexure A6) and has prayed that his pay may be fixed at the stage of Rs.1600/- w.e.f. 30.6.1994 in the scale of Rs.1400-2300 (UR) with reference to the pay drawn by his junior Sh. G.R.Dohiya.

2. The facts of the matter, briefly, are that the applicant who had been serving as Chargeman Gr.II on promotion in the respondents'

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organisation w.e.f. 30.6.1994 his pay had been fixed at Rs.1600/- w.e.f. 30.6.1994 in the scale of pay of Rs.1400-2300 for no reasons indicated in the said order. However, from the impugned orders of the respondents, it is observed that they have justified the pay fixation done in the case of the applicant with reference to the pay fixation done in the case of his junior Shri G.R.Dohiya on the basis of the fact that while Sh. Dohiya exercised his option, the applicant did not do so.

3. It is observed from the submissions of the applicant that he had no other option to opt for fixation of his pay on his promotion.

4. The learned counsel for the applicant has essentially relied on the provisions relating to stepping up of pay with reference to a junior and has contended that the stand taken by the respondents, in this regard, is not supported by the provisions on the subject. In this regard, he has referred to the provisions which are available under Government of India under F.R. orders/(22) titled "Removal of anomaly by stepping up of pay of Senior on promotion drawing less pay than his junior" which reads as under:

"(a) As a result of application of F.R.22-C- In order to remove the anomaly of a Government servant promoted or appointed to a higher post on or after 1-4-1961 drawing a lower rate of pay in that post than another Government servant junior to him in the lower grade and promoted or appointed subsequently to another identical post, it has been decided that in such cases the pay

of the senior officer in the higher post should be stepped up to a figure equal to the pay as fixed for the junior officer in that higher post. The 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, namely:-

- (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 F.R.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 F.R.27. The next increment of the senior officer will be drawn on completion of the requisite qualifying service with effect from the date of re-fixation of pay."

5. It is observed from the submissions made by the counsel on either side, that Shri Dohiya and the applicant belong to the same cadre and the post, and also they belong to the same scale of pay. Accordingly, it appears quite appropriate that the anomaly in pay fixation in the case of the applicant should be set right under the above mentioned provisions.

6. Considering the facts and the pleadings in the case and after hearing the learned counsel

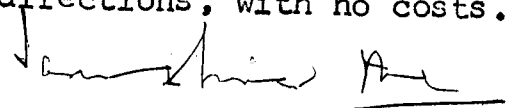
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of the applicant as well as the respondents, we are of the considered view that it would be quite appropriate to dispose of this OA with directions to the respondents to consider and dispose of the matter under the provisions of FR-22(C) and the Government of India decisions under the **said** FR as reproduced above. They are further directed to dispose of the matter by issuing a reasoned and speaking order within a period of one month from the date of receipt of a copy of this order.

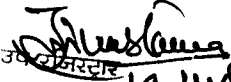
7. With this, this OA stands disposed of ^{as} allowed in terms of the above directions, with no costs.


(G. SHANTHAPPA)
MEMBER(J)


(SARWESHWAR JHA)
MEMBER(A)

/rao/

Filed
19-11

प्रमाणित कि ओ/न्या..... जलपुर, दि.....
विवेचि अने नि...
(1) सति, उर उरयन बार उ विरय, जलपुर
(2) अने उर/विनी/व. S. Nagu Adu
(3) उर/विनी/व. SC Shanthappa Adu
(4) उर/विनी/व. उर/विनी/व. उर/विनी/व.
सति, उर उरयन बार उ विरय, जलपुर
उर/विनी/व. उर/विनी/व. उर/विनी/व.

19.11.03