

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
Order reserved on: 10.03.2015

**ORIGINAL APPLICATION NO. 060/00349 of 2014
Chandigarh, this the 17th day of March, 2015**

**CORAM: HON'BLE MS. RAJWANT SANDHU, MEMBER (A)
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER (J)**

...
Ajay Walia, son of late Shri T.N. Walia, presently working as Junior Accounts Officer, Central Administrative Tribunal, resident of House No. 1135-A, Sector 46-B, Chandigarh.

...APPLICANT
IN PERSON

VERSUS

1. Union of India through the Secretary to the Government of India, Ministry of Personnel, Public Grievances & Pensions, DoP&T, North Block, New Delhi-110001.
2. The Registrar, Central Administrative Tribunal, 61/35, Copernicus Marg, New Delhi-110001.
3. The Registrar, Central Administrative Tribunal, Sector 17-E, Chandigarh.

...RESPONDENTS
BY ADVOCATE: SHRI A.L. VOHRA

ORDER

...
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER(J):-

The applicant, working as Junior Accounts Officer in the Chandigarh Bench of the Central Administrative Tribunal, has filed the instant O.A. claiming his promotion as Assistant w.e.f.

[Signature]

21.02.2008 with all consequential benefits, on par with his colleagues in the cadre of UDCs, vide the Office Order dated 20.02.2008 (Annexure A-1) granting to 28 UDCs promotion on the post of Assistant purely on ad hoc basis in the then pay-scale of Rs. 5500-9000 as a stopgap arrangement for six months. The post of UDC then carried the pay-scale of Rs. 4000-6000.

2. The applicant, who was UDC w.e.f. 31.07.1997, missed the aforesaid promotion, as he had applied for and was on deputation on the post of Junior Accounts Officer, also in the then pay-scale of Rs. 5500-9000, w.e.f. 21.05.2007. At the time of regular promotion on the post of Assistant, the applicant was duly considered and was so promoted w.e.f. 01.01.2009. His pay as Junior Accounts Officer was re-fixed granting him the pay of Assistant along with deputation allowance @ 5%, vide the Office Order dated 02.12.2009 (Annexure A-8). The applicant opted for permanent absorption as Junior Accounts Officer, vide his letter dated 20.12.2010 (Annexure R-2) and he was so absorbed w.e.f. 28.10.2010, vide the Office Order dated 01.11.2010 (Annexure A-9).

3. After implementation of the recommendations of the 6th Central Pay Commission, the post of Junior Accounts Officer is in

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the pay band of Rs. 9300-34800 with grade pay of Rs. 4200, whereas the post of Assistant, though in the same pay band, carries grade pay of Rs. 4600. On his absorption as Junior Accounts Officer, the pay of the applicant was again revised in terms of FR 15 (a) (vide Annexures R-3 and R-4), whereby he lost in terms of grade pay.

4. We have heard the applicant and the learned counsel for the respondents, perused the pleadings and given our thoughtful consideration to the mater.

5. The first issue, as also raised by the respondents in their written statement, relates to limitation. The grievance of the applicant is regarding his non-promotion as Assistant on ad hoc basis w.e.f. 21.02.2008 and he has filed the instant O.A. only on 22.04.2014, i.e., after a gap of six years. Even his first representation in the matter was made after more than three years, as the same is dated 05.07.2011 (Annexure A-12). The so-called telephonic conversation between the applicant and the then Principal Registrar, Shri R. Panda immediately after the said non-promotion, not being a matter of record, cannot be accorded any credence. Therefore, we see substance in the contention raised on

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behalf of the respondents that the O.A. is not maintainable being time-barred.

6. Even on merits, we feel that the applicant has not been wronged by the respondents. If he is losing in terms of emoluments, the situation is of his own making. It is clear from the record that when the applicant gave his option for absorption as Junior Accounts Officer, he was already in the know that the said post carried grade pay less than that given to the post of Assistant and it is not in dispute that his pay was rightly revised on his absorption w.e.f. 28.10.2010, in terms of FR 15 (a). That his erstwhile juniors are getting more emoluments cannot equip the applicant with any grievance on that count in the facts and circumstances of this case.

7. In view of the above, the O.A. does not deserve to succeed and is, therefore, dismissed. No order as to costs.

B. A. Agarwal
(DR. BRAHM A. AGRAWAL)
MEMBER(J)

R. S.
(RAJWANT SANDHU)
MEMBER(A)

Dated: 17 .03.2014

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