

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A No. 1199/2014

New Delhi this the 28th day of March, 2017

**Hon'ble Mr. P. K. Basu, Member (A)
Hon'ble Dr. Brahm Avtar Agrawal, Member (J)**

1. Harish Chandra Rai
S/o. Late Sh. J. C. Rai,
Aged about 48 years,
Under Secretary,
Ministry of Home Affairs
R/o. I-70, Sarojini Nagar,
New Delhi-110 023.

2. A. K. Malhotra
S/o. Late Sh. P. N. Malhotra
Aged about 52 years
Under Secretary,
Department of Personnel & Training
R/o. C-60, Jeewan Park, Pankha Road,
New Delhi-110 059.Applicants

(By Advocate: Ms. Komal Mundhra)

Versus

1. Union of India through Secretary
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
North Block,
New Delhi.

2. The Director (Administration)
Department of Personnel & Training,
North Block,
New Delhi.Respondents

(By Advocate: Mr. Rajinder Nishcal)

O R D E R (O R A L)

Hon'ble Mr. P. K. Basu, Member (A) :

Heard the learned counsel for the parties.

2. The respondents have issued office memorandum dated 26.06.2014 in which the case of the applicant no. 1 has been re-

examined and claim of stepping up of pay is rejected on the following grounds :-

“that Shri Rajmant Singh, with whom stepping up of pay has been sought for, had got his promotion in the grade of Assistant on ad-hoc basis on 03.10.1983 and Shri Harish Chandra Rai, who was senior to Shri Singh in the grade of Section Officer joined as (Direct recruit) Assistant during September/October of the year 1992. Shri Rajmant Singh was drawing more pay in the lower grade because of his longer period of service.”

3. The provision of para 5 of OM dated 20.05.2014 specifically provides for cases in which stepping up of pay is permitted which is quoted below :-

“5. It has now been decided in consultation with Department of Expenditure that stepping up of pay of senior Assistants at par with their junior assistants at the time of promotion to the post of Section Officer may be regulated as under :-

- (i) In terms of DOP&T's OM No. 5/16/80-CS.I dated 13.04.1988, the pay of **senior Assistants of CSS recruited through earlier Assistants Grade Examination but drawing less pay than their juniors recruited through later Assistants Grade Examination** may be stepped up at the time of promotion to Section Officer Grade subject to the conditions prescribed in the said O.M.
- (ii) The benefit of stepping up of pay allowed vide OM No. 5/16/80-CS.I dated 13.04.1988 was granted/extended to the Section Officers promotion on the basis of Limited Departmental Examination provided that as **DR Assistants of CSS those were recruited through earlier Assistants Grade Examination but were drawing less pay than their junior DRs recruited through later Assistants Grade Examination, at the time of their promotion through Limited Departmental Competitive Examination** subject to fulfilment of the same conditions as prescribed in the OM No. 5/16/80-CS.I dated 13.04.1988, read with DOP&Ts OM No. 5/21/92-CS.I dated 13.04.1988 to the Section Officers, who were earlier promoted as Assistants from the quota prescribed for promotes, and were **drawing less pay than their junior DR Assistants of same Select List and also in the cases where both senior and junior Assistants had been recruited through same Select List/Assistant Grade Examination on their promotion as Section Officer.**”

4. It is seen that stepping up of pay of the applicant vis-a-vis Rajmant Singh is not in consonance with the provisions of OM dated 20.05.2014.

5. The O.A is therefore, dismissed. The applicants are at liberty to challenge the order dated 26.06.2014, if they wish to in a fresh O.A.

(Dr. B. A. Agrawal)
Member (J)

(P. K. Basu)
Member (A)

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