

**CENTRAL ADMINISTRATIVE TRIBUNAL**

**BANGALORE BENCH : BANGALORE**

ORIGINAL APPLICATION No. 170/00328/2016

TODAY, THIS THE 08<sup>th</sup> DAY OF OCTOBER, 2018

**HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER  
HON'BLE SHRI DINESH SHARMA, ADMINISTRATIVE MEMBER**

B. Muniraj,  
YEL/1288 MTS,  
S/o. Venkataiah,  
Aged about 55 years,  
Working as MTS,  
O/o. 414 Air Force Station,  
Yelahanka, Bengaluru : 560063  
Resident of No. 131, Bharati Nagar,  
Hunsemaranahalli, Jalahobli,  
Bengaluru North – 562 157 ... Applicant.

(By Advocate B. Veerabhadra)

**v e r s u s**

1. The Air Officer Commanding,  
414 Air force Station,  
Yelahanka,  
Bengaluru : 560 063
2. The commandant,  
HQ Training Command,  
Indian Air Force,  
Bengaluru : 560 006
3. The Union of India,  
Rep. by its Secretary,  
Ministry of Defence,  
South Block,  
New Delhi – 110 001
4. The Secretary,  
Department of Expenditure,  
Ministry of Finance,  
New Delhi.

5. Shri Ramakrishna,  
Working as MTS,  
Air Officer Commanding,  
414 Air force Station,  
Yelahanka,  
Bengulur : 560 063 ... Respondents.

(By Advocates Shri V.N. Holla and  
Shri Vishnu Bhat )

### **O R D E R**

#### **Hon'ble Shri Dinesh Sharma, Administrative Member**

This is a case in which there is no difference in the narrative of the applicant and the respondents. The applicant is getting lesser pay than the respondent No.5, Ramakrishna, who admittedly joined one year after him. According to the applicant, this anomaly has to be corrected. However, the respondents have, while agreeing with the facts, refused to accept the applicant's request. According to them "As per DoP&T provisions, option once exercised is treated as final and cannot be changed in future. Similarly, stepping up of pay is not allowed in case junior is drawing more pay in comparison to his senior due to grant of ACP benefits and or exercising of different options by senior and junior employee".

2. After going through the pleadings, examining the records and hearing the arguments, it is clear that the applicant is getting lesser pay due to a combination of (a) what happened in the year 1996 (pay fixation under 5<sup>th</sup> CPC), (b) pay fixation granting 1<sup>st</sup> financial upgradation in 1999-2000, and (c) grant of additional increment (for employees who previously drew increment

from January to June) which resulted in grant of additional increment to respondent No.5 in 2006. It seems that the applicant has been at the losing end of approximations done at the time of all these pay fixations. We can also see that it is not entirely due to wrong exercise of options since there would have been no significant difference in position even if the applicant had not opted for the first financial upgradation in August, 1999, but had waited till June, as was done by the respondent No.5. Thus his getting lesser pay than the respondent No.5 is not just because of rules relating to grant of ACP and exercise of different options, but a combined result of three unrelated random events occurring in 1996, 1999 and 2006. In these circumstances, allowing this anomaly (of his one year junior colleague continuously getting higher pay than him) will be unjust. The respondents (other than respondent No.5) are, therefore, directed to use their overriding powers to correct this anomaly and ensure that the pay of the applicant is stepped up to bring it at par or above the respondent No. 5.

3. The O.A is allowed. No orders as to costs.

**(DINESH SHARMA)  
SURESH)  
ADMINISTRATIVE MEMBER**

**(DR. K.B.  
JUDICIAL MEMBER**

**Cvr.**

**Annexures referred to by the applicant in O.A:**

Annexure A-1 : Copy of O.A.No.95/2015 along with its Annexures

Annexure A-2 : Copy of reply statement filed by the respondents in  
O.A. No. 95/2015 along with its Annexures.

**Annexures filed by the respondents in the present OA:**

Annexure R-1 : Copy of O.M. No. 10/02/2011-E.III/A dt. 19.03.2012

Annexure R-2 : Copy of O.M. No. 35034/1/97-Estt(D) dt. 9.8.1999

Annexure R-3 : Copy of Option Certificate

**Annexure filed by the applicant alongwith Memo :**

Annexure : Comparative statement of pay between the applicants  
and the respondent No. 5.