

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00190/2015

Monday, this the 25th day of March, 2019

CORAM:

Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member
Hon'ble Mr. Ashish Kalia, Judicial Member

M.M. Mohanan Nair, S/o. Late Madhavan Nair, aged 60 yrs.,
 Telecom Mechanic (Retired), H.R. No. 198315578, BSNL,
 Telephone Exchange, Kizhillam, Madappattu (H), Sai Darshan,
 Thrikkalathoor, Perumbavoor, Pin – 683 557. **Applicant**

(By Advocate : Mr. C.A. Joy)

V e r s u s

1. The Principle General Manager, BSNL Bhavan, Ernakulam SSA, Ernakulam, Cochin – 16.
2. The Accounts Officer, ESTT, Office of PGMT, BSNL Bhavan, Ernakulam, Cochin – 16. **Respondents**

(By Advocate : Mr. P. Muraleedharan)

This application having been heard on 15.03.2019, the Tribunal on 25.03.2019 delivered the following:

O R D E R

Hon'ble Mr. Ashish Kalia, Judicial Member –

The relief claimed by the applicant is as under:

“1. Declare that the applicant is entitled for stepping up of his pay at par with his junior namely Sri M.P. Sreedharan Nair as Rs. 20,710/- as on December, 2012 with DNI as 1.1.2013 and issue an order directing the respondents to disburse the arrears of salary and other benefits including revision in the retirement benefits within a time limit fixed by this Hon'ble Tribunal.

2. Any other appropriate order or direction as this Hon'ble Tribunal may deem fit in the interest of justice.”

2. The brief facts of the case are that the applicant joined as Group 'D' employee in the year 1983. Later he became Telecom Mechanic in the year 1997 and retired as Telecom Mechanic on 31.10.2013. The grievance of the applicant is that on the date of retirement his pay was Rs. 18,170/- in the pay scale of Rs. 12,520-23,440/- and one of his junior Shri M.P. Sreedharan Nair who joined service in the year 1977 was drawing pay of Rs.19,510/- as on 28.2.2011 in the pay scale of Rs. 13,600-25,420/. Therefore, he is entitled for stepping up of pay at par with his junior and entitled for Rs. 20,710/- w.e.f. December, 2012 in the pay scale of Rs. 13,600-25,420/. Applicant has submitted a representation in this regard but it was not replied to by the respondents. Aggrieved, the applicant has approached this Tribunal for redressal of his grievances.

3. Respondents have filed a reply statement contesting the matter and submitted that the applicant joined as a Group 'D' employee in the year 1983 whereas Shri M.P. Sreedharan Nair joined as Lineman, Group-C on 2.8.1977 and retired on 31.1.2013. The applicant got two promotions on 1.10.2004 and 1.10.2011 as per NEPP policy in the scale of Rs. 10,900-20,400/- and Rs. 12,520-23,440/- respectively. On the other hand Shri M.P. Sreedharan Nair got OTBP after 16 years from the date of his appointment having same scale of pay of Telecom Mechanic (present scale Rs. 9,020-17,430/-). He became Telecom Mechanic on 20.2.2002 and his pay was fixed in the pay scale of Rs. 10,900-20,400/- with one advance increment. After 26 years Shri M.P. Sreedharan Nair got BCR promotion on 3.8.2003 and 2nd promotion on 3.8.2010 in the scale of Rs. 12,520-23,440/- and

13,600-25,420/- respectively. Therefore, stepping up of pay is not possible as both of them joined in different cadres. Applicant was a Group 'D' employee whereas Shri M.P. Sreedharan Nair was a Group 'C' employee. The applicant joined Group-D and was promoted as Telecom Mechanic in 1998 whereas the alleged junior Shri M.P. Sreedharan Nair joined in the year 1977 as Lineman a Group-C post. Thus, there is no anomaly. A comparative chart had been filed by the respondents as Annexure R2(a) (i)&(ii). Respondents pray for dismissing the OA.

4. Heard the learned counsel appearing for the parties and perused the records.

5. Basically applicant is seeking stepping up of pay on the wrong notion that Shri M.P. Sreedharan Nair is his junior, whereas the factual position is quite different. Applicant joined as Group 'D' employee in 1983 and the alleged junior Shri M.P. Sreedharan Nair joined in the year 1977 as Lineman a Group 'C' post having higher scale of pay in the different cadre. Prima facie the applicant's contention has no basis whatsoever. He is comparing himself with a person who is alleged to be his junior i.e. Shri M.P. Sreedharan Nair who in fact joined on higher post than the applicant in a different cadre having different pay scale altogether. Stepping up of pay is admissible only if the junior person having joined in the same cadre after the senior and if drawing higher pay than the senior then only the senior person would be entitled for the benefit of stepping up of pay with his junior, which is not the case in hand. Applicant is junior to Shri M.P.

Sreedharan Nair having joined earlier in a lower pay scale.

6. Further the case cited by the applicant in OA No. 180/59/2015 –

Hemalatha S. v. Bharat Sanchar Nigam Ltd. & Ors., dated 17th June, 2016

is not applicable to the facts and circumstances of the present case.

7. In view of the above factual position, the present Original Application

is devoid of merit and is hereby dismissed with no order as to costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

“SA”

Original Application No. 180/00190/2015**APPLICANT'S ANNEXURES**

Annexure A1 – True copy of the pension payment order of the applicant.

Annexure A2 – True copy of the communication dated 22.2.2014 issued by the office of the Chief General Manager, Thiruvananthapuram.

Annexure A3 – True copy of the representation dated 4.7.2014.

Annexure A4 – True copy of the order of CAT Ernakulam dated 20.7.2012 in OA No. 995/2011.

RESPONDENTS' ANNEXURES

Annexure R2(a) – True copy of comparative statement of service particulars.

Annexure R2(b) – True copy of office letter No. 211-9/2011-Pers-111 dated 4.5.2012.

Annexure R2(c) – True copy of office letter No. Admn/EK-A-11/PHM/11/95-97/188 dated at Kochi – 31, 13.3.98.

Annexure R2(d) – True copy of letter No. E-626/10/97-98/27 dated 17.4.98.

Annexure R2(e) – True copy of pay fixation memo in IDA scale on absorption in BSNL of applicant Mohanan Nair M.M.

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