

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O A /350/1232/2016

Coram : Hon'ble Mrs. Bidisha Banerjee, Judicial Member
Hon'ble Dr.(Ms) Nandita Chatterjee, Administrative Member

Harilal Banik,
Son of Late Sarat Chandra Banik
Residing at 83/3/1/A, B.T. Road,
Post Office and Police Station – Baranagar,
Kolkata – 700 090,
Working for gain the Department of Posts
In the Office of the General Manager
(Postal) Accountants & Finance),
West Bengal Postal Circle as Senior Account.

Applicant.

Versus -

1. Union of India,
Represented by the Secretary,
Ministry of Communications and
I.T., Department of Posts,
Dak Bhawan,
New Delhi – 110 001.
2. The Secretary,
Ministry of Communication and
I.T., Department of Posts,
Dak Bhawan,
New Delhi – 110 001.
3. The Director General, Posts,
Department of Posts, India,
Dak Bhawan,
New Delhi – 110 001.
4. The General Manager
(Postal Accounts & Finance)
Department of Posts,
West Bengal Postal Circle,
Kolkata, P-36, C.R. Avenue,
Yogayog Bhawan,
Kolkata – 700 012.

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5. The Deputy Director of Accounts
(Postal) Kolkata, Office of the General Manager
(Postal Account & Finance),
West Bengal Circle, Kolkata,
P-36, C.R. Avenue, Yogayog Bhawan,
Kolkata – 700 012.
6. The Director of Accounts (Postal),
Kolkata office of the General Manager,
(Postal Accounts & Finance),
West Bengal Postal Circle, Kolkata,
P-36, C.R. Avenue, Yogayog Bhawan,
Kolkata – 700 012.
7. Uday Narayan Roy,
Senior Accountant,
Working for gain in the Department of Posts
in the office of the General Manager
(Postal Accounts & Finance),
West Bengal Postal Circle, Kolkata,
P-36, C.R. Avenue, "Yogayog Bhawan",
Kolkata – 700 012.

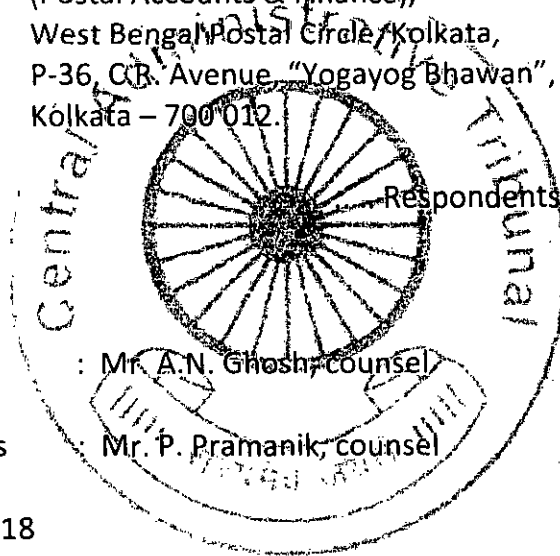
For the applicant

For the respondents

Heard on : 27.09.2018

: Mr. A.N. Ghosh, counsel

Mr. P. Pramanik, counsel



Order on : 16.11.18

ORDER

Bidisha Banerjee, Judicial Member

Aggrieved with less pay than one of his junior, Sri Uday Narayan Roy, Senior Accountant, the applicant, a Senior Accountant has approached this Tribunal praying for the following reliefs:-

"8.(a) To direct the respondents to stepped-up the pay of the applicant at par with his junior in the Cadre i.e. Uday Narayan Roy being Sl. No. 28 and 42 respectively of the Gradation List of the Senior Accountant.

(b) To direct the respondents to implement the judgement and order of the Central Administrative Tribunal, Principal Bench at New Delhi passed on 01.02.2018 by stepping up the pay of the Applicant;

(c) To pass such other or further order or orders and/or direction or directions as to Your Lordships may seem fit and proper;"

2. Since the applicant has sought for parity in pay with the private respondent namely, Sri Uday Narayan Roy, the official respondents have portrayed their career advancements in the following manner:-

"6.1. That Sri Harilal Banik joined at this G.M. (P.A. & F.) Kolkata office on 26.07.1984 as Junior Accountant with pay of Rs. 330/-. He was promoted to Senior Accountant on 12.07.1988 with pay of Rs. 1400/- + 30/- (QP). The pay was revised in 5th CPC on 01.01.1996 at Rs. 5300/- + 60/- (QP) and was upgraded in the scale of Rs. 5500-175,900/- notionally with effect from 01.01.1996 and actually with effect from 19.02.2003 was fixed at Rs. 7075/- + 60/- (QP). The pay was revised in 6th CPC on 01.01.2006 and was fixed at Rs. 14140/- + 4200 (GP). He got AGP as 2nd financial up-gradation on 26.07.2008 and the pay was fixed at Rs. 16460/- + 4800/- (GP). Then, the applicant got MACP as 3rd financial up-gradation on 26.07.2014 and the pay was fixed at Rs. 21370/- + 5400/- (GP). The pay of the official was revised in 7th CPC on 01.01.2016 at Rs. 71300/-.

6.2. Shri Uday Narayan Roy, Respondent No. 7 joined at DA(P), Nagpur Office on 19.05.1983 as Junior Accountant with pay of Rs. 330/-. He joined this G.M. (P.A. & F.), Kolkata office on 10.07.1985 as Junior Accountant with pay of Rs. 350/- + 15/- (QP) under Rule 38 on unilateral transfer at his own request. He was promoted to Senior Accountant on 01.07.1989 with pay of Rs. 1440/-. The pay was revised in 5th CPC on 01.01.1996 at Rs. 5300/- and

was upgraded in the scale of Rs. 5500-175-9000/- notionally with effect from 01.01.1996 and actually with effect from 19.02.2003 was fixed at Rs. 7075/-. The pay was revised in 6th CPC on 01.01.2006 and was fixed at Rs. 14140/- + 4200(GP). He got ACP as 2nd financial up-gradation on 19.05.2007 and the pay was fixed at Rs. 14690/- + 4800/- (GP). Then, he got MACP as 3rd financial up-gradation on 19.05.2013 and the pay was fixed at Rs. 19150/- + 5400/- (GP). The pay of the official was revised in 7th CPC on 01.01.2016 at Rs. 71300/-."

A bare perusal of the position as depicted supra, would indicate, reveal and manifest that in terms of their date of appointment as Junior Accountant, the applicant is junior to Sri Roy, due to which Mr. Roy earned financial upgradation under ACP and MACP Scheme ahead of the applicant.

3. The respondents have categorically pleaded that although Uday Narayan Roy joined office on 10.07.1985 on unilateral transfer on own request and was placed junior to the applicant, he was drawing more pay than the applicant as his date of appointment in the cadre of Junior Accountant is 19.05.1983, whereas that of the applicant was 26.07.1984 and, therefore, the disparity in ACP benefits. Further, the respondents have categorically stated that the Principal Bench's judgment in O.A.No.2124 of 2011 and M.A.1617 of 2011 as relied upon by the applicant, could not be applied to the present applicant because in the said O.A. the applicants were seniors and appointed as LDCs and thus not granted 2nd financial upgradation under ACP Scheme by virtue of two promotions in JA and SA cadre while their juniors were direct recruits who upon being accorded one promotion in SA cadre were granted 2nd financial upgradation under ACP

Scheme. Further, the respondents have submitted that in terms of the ACP Scheme itself, grant of financial upgradation is purely personal to an employee having no relevance to his seniority position and, therefore, senior employees are not entitled to additional financial upgradations on the ground that ^{their} ~~there~~ junior employees in the grade have been bestowed with higher scale of pay and benefits of ACP.

4. Similar provisions exist in the MACP Scheme. Para 20 thereof reads as under :-

"20. Financial upgradation under the MACPS shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial upgradation for the senior employees on the ground that the junior employee in the grade has got higher pay/grade pay under the MACPS."

5. In view of the admitted position ^{supra}, which clearly and unambiguously denotes that the applicant was never senior to the private respondent in terms of date of appointment as Junior Accountant and, therefore, got ACP and MACP later and in view of the career progression schemes debarring senior employees from seeking parity in pay with their junior employees bestowed with higher pay by virtue of such schemes, the applicant has failed to make out a case meriting interference.

6. Therefore, the O.A. is dismissed. No costs.



(Dr. Nandita Chatterjee)
Administrative Member



(Bidisha Banerjee)
Judicial Member