

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/01205/2016

Dated Thursday the 25th day of July Two Thousand Nineteen

**CORAM : HON'BLE MR. P. MADHAVAN, Member (J)
HON'BLE MR. T. JACOB, Member (A)**

N.Koteswara Rao,
Pay & Accounts Officer (Retired),
No.4A, Natesan Nagar, Near 27th Street,
Ashtalakshmi Nagar, Alapakkam,
Chennai 600 116.

....Applicant

By Advocate M/s S.Retnaswamy

Vs

1. Union of India represented by
Controller General of Accounts,
Ministry of Finance,
Department of Expenditure,
Lok Nayak Bhavan,
7th floor, Khan Market,
New Delhi 110 003.
2. Principal Chief Controller of Accounts,
Central Board of Direct Taxes,
Lok Nayak Bhavan,
9th Floor, Khan Market,
New Delhi 110003.
3. Pay & Accounts Officer,
Zonal Accounts Office,
Central Board of Direct Taxes,
Aayakar Bhavan,
121, Nungambakkam High Road,
Chennai 600034.Respondents

By Advocate Mr. C. Kulanthaivel

ORAL ORDER

(Pronounced by Hon'ble Mr. P. Madhavan, Member(J))

The applicant has filed this OA seeking the following reliefs :

" To quash the first respondent's O.M.No. A.11019/20/Misc./2009/MF.CGA(A)/NG/Vol-III/222 dated 29.08.2014 and direct the respondents to grant stepping up of the applicant's pay to Rs.370/- with effect from 24.05.1973 along with arrears, revision of retirement benefits, and all consequential benefits.

II. Cost of this application along with interest.

III. And pass such further order or orders as this Hon'ble Tribunal deemed fit and proper in the circumstances of the case and thus render justice."

2. When the matter is called, learned counsel for the applicant produces an affidavit enclosing a copy of the order passed by this Tribunal in OA 1273/2016 dt. 17.06.2019 and submits that the facts and the relief sought in this case are similar to OA 1273/2016. He submits that the applicant would be satisfied if a similar direction is passed in this case also.

3. Learned counsel for the respondents has no objection in considering the case of the applicant in the light of the aforesaid order of this Tribunal. However, he submits that the claim of the applicant could be considered only in accordance with the relevant rules existing on the matter.

4. On perusal, the OA 1273/2016 was disposed of with the following direction:-

"....

8. In the above facts and circumstances of the case, we are of the view that the applicant is entitled to be considered for stepping up of pay at par with his junior with effect from the date from which the junior was fixed at a higher pay. However, the respondents are at liberty to ascertain from IA & AD if the allegation of the applicant that persons similarly placed as him in the latter

department had been granted stepping up of pay at par with the juniors is correct and if so, pass orders refixing the pay of the applicant on the same principles. In case no such stepping up had been granted in IA & AD, the respondents shall still consider the matter objectively in the light of what is discussed above and take a policy decision in this regard so as not to discriminate against seniors with longer service merely on technical grounds without regard to the merits of the claim. The entire exercise shall be completed within four months from the date of receipt of a copy of this order.”

5. In view of the submissions made, the OA is disposed of with a similar direction as in OA 1273/2016 (supra). No costs.

(T.Jacob)
Member(A)

(P. Madhavan)
Member(J)

26.07.2019

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