

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/506/2017

Date of Reserve: 25.7.2019

Date of Order:29.08.2019

CORAM:

HON'BLE MR.GOKUL CHANDRA PATI, MEMBER(A)
HON'BLE MR.SWARUP KUMAR MISHRA, MEMBER(J)

Jayaram Mohanta, aged about 58 years,S/o. Late Surendranath Mohanta, At-Minsahi, PO-Jashipur, Mayurbhanj, PIN-757 034 – at present: SCMM Unit, At/PO-Paramanpur, Via-Sasan, Dist-Sambalpur, PIN-768 206.

...Applicant

By the Advocate(s)-M/s.B.Baisakh
S.K.Mohapatra

-VERSUS-

Union of India represented through:

1. The Director General JS-LW, Labour Welfare Organisation, Jaisalmar House, 26-Manshingh Road, New Delhi-711 001.
2. The Welfare & Cess Commissioner, Govt. Of India, Ministry of Labour & Employment, Kendriya Shrama Kalyan Sadan, Plot No.7/6 E-7 (Ground & 1st Floor), IRC Village, Bhubaneswar-751 015, Dist-Khurda.

...Respondents

By the Advocate(s)-Mr.M.R.Mohanty

ORDER

PER SWARUP KUMAR MISHRA, MEMBER(J):

In this Original Application under Section 19 of the A.T.Act, 1985, the applicant has sought for the following reliefs:

- i) To direct the Respondent No.2 for stepping up the applicant scale of pay at par with his counter parts.

- ii) To direct the Respondent No.2 to release all pending arrear dues (from the date of stepping up at par with counter parts of the applicant within a stipulated period with 12% interest.
- iii) To pass any other order/orders, direction/directions as may deem fit and proper.

2. Heard the learned counsels for both the sides and perused the records.

3. Applicant is presently working as Pharmacist under the Respondent-Organization. His grievance is directed against fixation of his pay at par with his juniors, S/Shri S.C.Prusty, C.S.Mohanta and K.J.Subudhi. According to applicant ventilating his grievance, he went on preferring successive representations to the authorities in this regard and since he did not receive any reply nor his grievance redressed, he has approached this Tribunal in this O.A. praying for the reliefs as mentioned above.

4. It is the case of the applicant that as on August, 2016, he was in receipt of Rs.68,000/- towards basic pay whereas his above named juniors were in receipt of Rs.70,000/- as on the same date. Hence, his pay should be fixed at par with his juniors with effect from August, 2016 and the arrears financial dues should be drawn and disbursed in his favour.

5. Respondents have filed their counter and additional counter opposing the prayer of the applicant. Respondents have annexed an office order dated 14.2.2019 (R/5) to the additional counter, which would show that being senior, the pay of the applicant's pay as on 01.01.2016 had been fixed at Rs.6600 (lev.8)/Cell12) whereas the pay of his juniors S/Shri K.J.Subudhi, S.C.Prusty and C.S.Mohanta had been fixed at Rs.68000(lev.8/Cell-13). In the said office order, the respondents have further mentioned as follows:

"The pay fixation cases of the above said Pharmacists are, therefore, revised from 01.01.2006 onwards in accordance to the guidelines of the ACP Scheme (effective upto 31.08.2008) and as per MACP Scheme (effective w.e.f.

01.09.2008 onwards). They have been granted 2nd ACP upgradation on completion of 24 years and 3rd MACP upgradation on completion of 30 years of regular service.

Further, stepping up of pay in respect of Sh.J.R.Mohanta and Sh.N.Rout (Sr.Pharmacists) are allowed at par with the pay of his junior counterpart Sh.K.J.Subudhi w.e.f. 07.10.2006 (date of his 2nd ACP upgradation) as per the guidelines issued vide DoPT OM No.10/02/2011-E.III dated 19.03.2012. On rectification and stepping up of pay, pay of all above senior and junior Pharmacists comes to the same level and fixed at Rs.66,000/- w.e.f. 01.01.2016. Therefore, it is ordered for recovery of the excess paid pay & allowances to the junior Pharmacists (Sl.No. 3 to 5) during the period 01.01.2006 to till date".

6. On a reference being made to the pay fixation statement as appended by the Respondents to R/5, it appears that the pay of the applicant as on 01.07.2016 and 01.07.2017 has been fixed at Rs.68000 (Cell.13) and Rs.70,000/- (Cell.14) which is at par with his juniors, S/Shri S.C.Prusty, C.S.Mohanta and K.J.Subudhi with effect from 01.07.2016 and 01.07.2017 respectively. Viewed from this angle, there remains nothing more to be adjudicated in the present O.A. Accordingly, this O.A. is disposed of being infructuous. No costs.

(SWARUP KUMAR MISHRA)
MEMBER(J)

(GOKUL CHANDRA PATI)
MEMBER(A)

BKS

