



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O. A. No. 1116 of 2016.

SRI AMARJEET SINGH,

Ch. D.T.I. (Planning)/KHARAGPUR,

South Eastern Railway, Kharagpur,

District- Paschim Medinipur, PIN-
721301.

APPLICANT
-Versus-

1) THE UNION OF INDIA, Service
through the General Manager, South
Eastern Railway, Garden Reach,
Kolkata-700 043;

2) THE DIVISIONAL RAILWAY
MANAGER, South Eastern Railway,
Kharagpur Division, Kharagpur, District-
Paschim Medinipur, PIN- 721301.

3) SENIOR DIVISIONAL PERSONNEL
OFFICER, South Eastern Railway,

Kharagpur Division, Kharagpur, District-
Paschim Medinipur, PIN- 721301.

4) THE DIVISIONAL PERSONNEL
OFFICER-I, South Eastern Railway,
Kharagpur Division, Kharagpur, District-
Paschim Medinipur, PIN-721301.

5) THE SENIOR DIVISIONAL
OPERATIONS MANAGER, South Eastern
Railway, Kharagpur Division,
Kharagpur, District- Paschim Medinipur,
PIN-721301.

6) THE ASSISTANT PERSONNEL
OFFICER-I, South Eastern Railway,
Kharagpur Division, Kharagpur, District-
Paschim Medinipur, PIN-721301.

7) Sri B. L. Narayana, son of late B.
Ramaiah, residing at Gayatri Mansion
Estate, Palasa, Post Office- Kashibugga,
District- Srikakulam, Andhra Pradesh,
PIN-532222.

... RESPONDENTS

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O A.350/1116/2016

Date of order : 1/10/19

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

AMARJEET SINGH
VS.
UNION OF INDIA & OTHERS

For the applicant : Mr. S. Roy, counsel
For the respondents : Mr. R. Sharma, counsel

INITIAL ORDER

Bidisha Banerjee, Judicial Member

This application has been preferred to seek the following reliefs:-

- 8.1. To set aside the impugned reply notice being no. SER/P-KGPY/T/372/14/AS/2016 dated 11/05/2016 issued by the Respondent No.3 herein;
- 8.2. To pass a direction or directions upon the Respondent authorities to allow the prayer of the Applicant for stepping up of his pay and release the residue arrear amount with statutory interest with immediate effect from the date of Private Respondent's joining in the promotional post;
- 8.3. Show cause in terms of prayer 8.1 and 8.2 and after hearing the cause make the rules absolute;
- 8.4. A direction as to costs of the proceedings to the Applicant;
- 8.5. Any further order or orders, direction or directions as the Hon'ble Tribunal may seem fit and proper for the ends of justice.

2. The order dated 11.05.2016 impugned in the O.A. reads as under:-

"In reference with the appeal for stepping up of pay at par with Sri B.L. Narayana, Ch DTI claimed by Sri Amarjeet Singh, Ch DTI(L)/KGP, the following may be noted.

- (1) Sri Amarjeet Singh was appointed as Signaller in the year 1801-1981 on pay Rs.260/- P.M. whereas
- (2) Sri B.L. Narayana who was appointed prior to Sri Singh on 01.07.1975 was holding pay of Rs.470/- p.m. in the year 1981.
- (3) Sri Narayana was ... (not legible) along drawing higher pay than Sri Singh

*As such the claim for stepping up of pay in the instant case is not tenable.
Sri Singh may thus be intimated accordingly."*

3. By way of reply the respondents have depicted the comparative position of the applicant vis-à-vis Sri B.L. Narayana which is reproduced hereunder:-

Comparative Statement showing Service particulars of S/Sri Amarjit Singh and B.L. Narayana.

Particulars	Sri B.L. Narayana	Sri Amarjit Singh		
Date of Birth	10.10.1955		21.11.1959	
Date of Appointment	07.01.1975		18.10.1981	
Scale on Date of Appnt.	Rs.110-200(A.S) Rs.260-430 (R.S)		Rs.260-430 (R.S)	
Pay on Appnt.	Rs.110/--260/-		Rs.260/-	
Capacity on Appnt.	Trainee Signaler		Pro Signaler	
Place of Posting	KJR		KGP	
Date of Joining working post	09.02.76 at BHC (KJR Dm.)		13.4.82 at KGP	
9.2.1976	260/-	(260-430/-)	-	
23.2.1977	268/-	(260-430/-)	-	
29.2.1977 Sr Signaler	330/-	(330-560/-)	-	
01.2.1978	340/-	-do-	-	
01.9.1978 Hd. Signaler	425/-	(425-640/-)	-	
01.9.79	440/-	-	-	
01.9.80	455/-	-	-	
01.9.81	470/-	-	-	
01.9.82	485/-	-	13.4.82 13.4.83	260/- (260-430/-)
01.9.83	500/-	-	01.4.83	268/- -do-
01.01.84	550/-	550-750/- Promoted due to restructuring of cadre.	01.4.84	276/- -do-
01.01.85	570/-	-	01.4.85	-/- Normal Inc.
01.01.86	1750/- (1600- 2660/-)	-	01.01.86 pay fixed in 4 th PC	1/- 975/-1540/-
			01.04.86	1075/-
01.01.86	1750/- (1600- 2660/-)	Pay fixed in 4 th PC	06.11.1986	1200/- (1200-2040/-)
01.01.87	1800/-	-	01.11.87	1230/-
01.01.88	1850/-	-	01.11.88	1260/-
26.12.1988 (CITT)	2000/-	Pay fixed on promotion In scale 2000/- 3200/-	01.11.88	1260/-
01.12.1989	2060/-	-	12.4.89	1400/- (1400-2300/-) Promoted as ASH In scale 1400- 2300/-w.e.f 12-4-89
01.12.1990	2120/-	2000-3200/-	01.04.90	1440/-
01.12.1991	2180/-	-do-	01.04.91	1480/-
01.12.1992	2240/-	-do-	01.04.92	1520/-
01.12.1994	2375/-	-do-	01.04.94	1600/-

01.12.1995	2450/-	-do-	01.04.95 29.4.1995	1640/- 1700/- (1600-2660/-)	Promoted as DTI In scale 1600-2660/- w.e.f 29.4.95
01.12.1996	7700/- (6500/- 10,500/-) Pay fixed in 5 th PC	-	01.04.1996	5675/- (3500/- 9000/-) Pay fixed in 5 th PC	
01.12.1997	7900/-	-do-	30.8.1997	6300/-	Pay Based on promotion 6500/-10500/-)
01.12.1998	8100/-	-	11.8.1998	6700/-	
01.12.1999	8300/-	-	01.08.1999	6900/-	
01.12.2000	8500/-	-	01.02.2000	7100/-	
			23.02.2000	7450/-	(7450-11500/-) Promoted as Ch.DTI
01.12.2001	8700/-	-	01.2.2001	7675/-	
01.12.2002	9250/-	Pay fix on promotion In scale Rs. 7450/- 11,500/-	01.02.2002	7900/-	
30.08.2002	-	-	-	-	
01.12.2003	9475/-	Normal Inc.	01.02.2003	8125/-	
01.12.2004	9700/-	-	01.2.2004	8350/-	
01.12.2005	9925/-	-	01.2.2005	8575/-	
01.01.2006	23070/-	Pay fix In VI CPC In scale 9300- 34,800/- 6P-4600/-	01.01.2006	20910/-	Pay fix In VI CPC In scale 9300-34,800/- 6P-4600 as per E/SR 35/12
01.07.2006	23770/-	-	01.07.2006	21600/-	
01.07.2007	24490/-	-	01.07.2007	22250/-	
01.07.2008	25230/-	-	01.07.2008	22920/-	
01.07.2009	25990/-	-	01.07.2009	23610/-	Normal Inc.
01.07.2010	26770/-	-	01.07.2010	24320/-	-do-
01.07.2011	27580/-	-	01.07.2011	25050/-	-do-
Promoted as AOM (Gr.8) w.e.f 29.09.2011 and retired on superannuation w.e.f 31.10.2015.	-	-	01.07.2012	25810/-	
			01.07.2013	26590/-	
			01.07.2014	27390/-	

Note: As on 01.07.2011 pay of applicant is Rs. 25050/- While that of Pvt. Respondent is Rs. 27580/- and thereafter

4. The respondents have categorically denied the claim on the ground that Sri B.L. Narayana, private respondent herein is from a different cadre, seniority unit and his appointment was way ahead that of the applicant and therefore Sri B.L. Narayana is far senior to the applicant by virtue of his appointment.

5. Ld. counsel for the applicant on the other hand would place the decision rendered by the Hon'ble High Court in WPCT No.224/2010 where admittedly the petitioner had come from a different channel of promotion than that of Respondent No.7 and Respondent No.7 had joined much earlier than the petitioner and both held different posts but the petitioner having joined the post of Loco Supervisor on promotion ahead of Respondent No.7, the Hon'ble High Court held as under:-

"xxxxxxxxxxxxxxxxxxxxxx. In our view, the past service in the feeder post became irrelevant once the incumbent joined the promotional post. The concept of stepping up is available, where the persons working in the same post get lesser pay than their junior in the same post. The eventuality and/or reason for such disparity might be different; however, such eventuality and/or reason is not relevant. The concept is that the senior must not get lower pay than the junior, while working in the same post."

The petition succeeds and is allowed. The judgment and order of the Tribunal is set aside.

The Railway authority is directed to extend the benefit of stepping up to the petitioners as per the circular of the Railway Board as above."

Citing the said position Ld. counsel would vociferously submit that when admittedly the present applicant stood promoted to the post of Chief DTI on 23.02.2000 i.e. way ahead of Sri B.L. Narayana who was promoted as such w.e.f. 30.08.2002, the applicant should be allowed stepping up of pay on par with Sri B.L. Narayana having joined

promotional post ahead of him and being as such senior to the said incumbent. Ld. counsel would also place the decision of the Hon'ble Apex Court in Special Leave to Appeal(Civil) No.(s).5901/2013 dated 11.02.2014 assailing the order dated 07.12.2011 in WPCT No.224 of 2010. The matter was dismissed by the Hon'ble Apex Court keeping the question of law concerning the interpretation of relevant rules open. Said order dated 11.02.2014 reads thus:-

"Heard Mr. Paras Kuhad, learned Additional Solicitor General in support of this special leave petition and Mr. Sanjay Parikh, learned counsel appearing for the respondents. Considering the facts of this case, we are not inclined to interfere in the matter. The special leave petition is dismissed. However, the question of law concerning the interpretation of the relevant rules is left open."

6. We further note that it is not evident from the comparative position disclosed by the respondent authorities as extracted *supra*, that, Sri B.L. Narayana and the applicant belonged to different cadres prior to being promoted as Chief DTI which is a post of inspectorial cadre. It is also not evident therefrom that the applicant and Sri B.L. Narayana belonged to different divisions as claimed by the respondents. Therefore, in our considered opinion, the respondents should consider the claim of the applicant in the light of the decision cited by the applicant and pass appropriate reasoned and speaking order indicating clearly the reason why the applicant would not be entitled to stepping up on par with Sri B.L. Narayana despite his seniority vis-à-vis Sri B.L. Narayana in the promotional post of Chief DTI. Let appropriate orders be issued within 3 months from the date of receipt of this order.

350/1116/2016. L

7. The O.A. stands disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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