

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**PATNA BENCH, PATNA**  
OA/050/00130/2016

Reserved on : 09.12.2019  
Date of Order : 11.12.2019

**C O R A M**

**HON'BLE MR. J. V. BHAIRAVIA, ..... JUDICIAL MEMBER**  
**HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER**

Baidya Nath Sinha, Son of Late Ram Surat Singh, resident of Plot No. C-20, A.G. Colony, P.O.-Ashiana Nagar, P.S. –Shashtri Nagar, District-Patna-800025.

..... Applicant.

- By Advocate : Shri Gautam Saha.

-Versus-

1. The Union of India through the Comptroller & Auditor General of India, Pocket-9, Deen Dayal Upadhyay Marg, New Delhi-110124.
2. Accountant General (Accounts & Entitlement), Bihar, Birchand Patel Path, Patna-800001.
3. Accountant General (Accounts & Entitlement), Jharkhand, P.O.-Hinoo, Ranchi-834002.
4. Senior Deputy Accountant General (Administration), O/o Accountant General (A&E), Bihar, Patna-800001.
5. Deputy Accountant General (Administration), O/o Accountant General (A & E), Jharkhand, P.O.-Hinoo, Ranchi-834002.
6. Principal Director of Audit (Headquarters), O/o Comptroller & Auditor General of India, Pocket-9, Deen Dayal Upadhyay Marg, New Delhi-110124.
7. Administrative Officer/Entitlement-I, O/o Comptroller & Auditor General of India, Pocket-9, Deen Dayal Upadhyay Marg, New Delhi-110124.

.....Official Respondents.

By Advocate :- Shri Bindhyachal Rai.

**O R D E R**

**Per Mr. Dinesh Sharma, A.M.:-** In the instant OA, the applicant has prayed for direction to the respondents for fixation of pay of the applicant

by stepping-up of his pay at par with Arvind Kumar Mehta, Sr. P.S., Office of the Accountant General (A&E), Jharkhand, Ranchi, at least from the year 2002.

2. The applicant has claimed that he was initially appointed on 01.08.1975 to the post of Stenographer (English). Shri A.K. Mehta was appointed on 14.06.1976 to the post of Stenographer in Legal Audit Department which is a separate office. While the applicant was working in the office of AG (A&E), Bihar, Patna, a gradation list of the cadre of PS, as on 01.03.2002, was published where the applicant has been illegally, arbitrarily and malafidely shown at serial no. 2 below Shri A.K. Mehta. The applicant filed representation against it on 05.08.2003 and has been, since then, pursuing this matter with the higher authorities. However, the genuine claim of the applicant has not been addressed. Briefly put, Shri A.K. Mehta has been given seniority over the applicant on ground of his having appeared and passed in the stenographer test held on 25.08.1979. The applicant claims that no information was provided to him for appearing in the test and Shri A.K. Mehta was illegally allowed to appear in this test without having completed the mandated three years service in the department. The applicant has also alleged that no record were said to be available about the circumstances under which the test was held in the year 1979. On all these grounds i.e. giving of seniority to Shri A.K. Mehta on the basis of an alleged test in the year 1979 without his (Shri Mehta) being eligible for appearing in that test, the applicant has questioned the seniority of Shri A.K. Mehta over him and prayed for grant of stepping-up of his pay at least since the year 2002 when the applicant became aware of it.

3. The respondents have denied the claim of the applicant. They have stated that Shri A.K. Mehta became senior to the applicant due to passing of aptitude test in the year 1979. The written statement gives a list to show that Shri A.K. Mehta was given all promotions (as senior grade Steno, as Manager typing Pool, as Senior PA higher upgraded post Group B Gazetted and as Senior PS) much before the promotion of the applicant to these posts, and, thus, he has been and is treated as senior to the applicant since the year 1979. The representation of the applicant regarding his seniority has been examined and he has been informed that Shri A.K. Mehta was all along senior to the applicant in each grade of Stenographer from 05.07.1979. The respondents have also annexed at annexure A/6 of the W.S, a letter written by the applicant in which he has himself admitted Shri A.K. Mehta to be senior to him.

4. No rejoinder has been filed.

5. Heard the parties. After going through the pleadings and hearing the arguments, it is clear that the applicant has claimed for stepping-up of his pay on ground that he is senior to Shri A.K. Mehta. However, it is abundantly clear that the applicant has been treated as junior to Shri A.K. Mehta for the last four decades. It may be true that there may not be any records available of the circumstances in which Shri A.K. Mehta was allowed to appear in the test held in the year 1979. However, any claim which the applicant might have had, for getting any alleged wrong done in 1979 corrected, is clearly not maintainable after this long passage of time. We also find that the applicant has himself admitted, in one of his

communications (Annexure A/6) as being the next senior most after Shri A.K. Mehta. Thus, the claim of the applicant, for stepping-up of his pay, in the aforementioned circumstances, has no basis. The OA is, therefore, dismissed. No costs.

[ Dinesh Sharma ]  
[Administrative Member

[ J.V. Bhairavia]  
Judicial Member

Pkl/

