

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.6778 OF 2015

Joy Joseph

-vs-

Union of India and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri S. S. Ghate, counsel for the petitioner.

**CORAM : SMT. VASANTI A. NAIK &
A.S.CHANDURKAR, JJ.**

DATE : 27.01.2016

By this writ petition, the petitioner challenges the order of the Central Administrative Tribunal dated 06/05/2015 dismissing the original application filed by the petitioner after holding that the petitioner is not entitled to the pay scale of Rs.5500-9000 for the period from 22/10/1999 to 11/06/2007.

The petitioner was appointed as a Lower Division Clerk by the respondent No.2 in May 1981 and eventually he was promoted to the post of Accountant on 20/10/1999. The petitioner was further promoted to the post of Assistant Estate Manager on 11/06/2007. According to the petitioner, though the petitioner was entitled to receive the salary in the pay scale of Rs.5500-9000 from 20/10/1999 to 11/06/2007, the respondent No.2 wrongly placed the petitioner in the pay scale of Rs.5000-8000. The petitioner made a representation to the respondent No.2 for fixation of proper pay scale on 13/05/2013 and then filed the original application before the Central Administrative Tribunal. The Central Administrative

Tribunal dismissed the original application filed by the petitioner. The petitioner has challenged the order of the Tribunal in the instant petition.

On hearing the learned counsel for the petitioner and on a perusal of the impugned order as also the documents annexed to the writ petition, it appears that there is no scope for interference with the impugned order in exercise of the writ jurisdiction. The petitioner had based his claim for higher pay scale by referring to the order of the Central Administrative Tribunal, Ernakulam Bench as also a judgment of the Delhi High Court. The Tribunal observed that the petitioner was not entitled to higher pay scale on the basis of said judgment and order as the said judgment and order were passed in the cases where the Directorate of Printing was the employer. In the instant case, since the petitioner was appointed by the Directorate of Estates and not by the Directorate of Printing, according to the Tribunal, the petitioner could not have sought higher pay scale on the basis of the judgment and order of the Delhi High Court and the Tribunal, Ernakulam Bench respectively. The Tribunal held that in O.A. No.1499 of 2011 it was not pointed out to the Tribunal that the Directorate of Estates and the Directorate of Printing are separate entities, their recruitment rules are different and the Accountants working with the Directorate of Printing were given higher pay scale under peculiar circumstances.

We find that the approach of the Tribunal in deciding the matter is just and proper. Though we had granted an opportunity to the learned counsel for the petitioner to point out any circular, rule or regulation of the Directorate of Estates which provides for the pay scale of Rs.5000-9000 to

an Accountant like the petitioner, nothing has been pointed out on behalf of the petitioner in that regard. No material was placed either before the Tribunal or in this Court to establish the right to claim the pay scale of Rs.5500-9000 for the period from 22/10/1999 to 11/06/2007. Also, we find that though the petitioner was promoted on the post of Accountant by the order dated 03/11/1999 which clearly recited that the petitioner was placed in the pay scale of Rs.5000-8000, the petitioner did not raise any challenge to his promotion in the said pay scale for several years till he filed the original application in the year 2013 after making a representation. The claim for the pay scale of Rs.5500-9000 for the aforesaid period appears to be an afterthought and seems to have been based only on the judgment of the Delhi High Court and the order of the Tribunal, Ernakulam Bench in the matter of an employee working in the Directorate of Printing.

Since the order of the Tribunal is just and proper, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE