

Central Administrative Tribunal
Principal Bench

O.A. No.1244/2002

New Delhi this the 8th day of January, 2002

Hon'ble Shri V.K. Majotra, Member (A)
Hon'ble Shri Kuldip Singh, Member (J)

Shri A.S. Bhatnagar
S/o Shri B.S. Bhatnagar
in O/o O.C. No.94 (AM) Party
Survey of India,
West Block IV, Wing-4
R.K. Puram, New Delhi.

-Applicant

(By Advocate: Shri Anil Singhal)

Versus

1. Union of India
Through its Secretary
Ministry of Science & Technology
Technology Bhawan
New Mehrauli Road
New Delhi.

2. Surveyor General of India,
Surveyor of India,
Hathi Barakala Estate,
Dehradun,
Uttaranchal-208801.

3. Director Survey (Air),
West Block-IV,
R.K. Puram, New Delhi-66.

4. O.C. No.94 (AM) Party,
Survey of India,
West Block IV, Wing-4,
R.K. Puram, New Delhi-110066.

-Respondents

(By Advocate Shri M.M. Sudan)

ORDER (ORAL)

Mr. V.K. Majotra, Member (Admin):

Applicant has challenged order dated 27.7.2001 (Annexure A-1) whereby his application dated 24.7.2001 made against the order dated 8.9.2000 was rejected by respondent No.4. He has also challenged order dated 8.9.2000 (Annexure A-2) whereby his pay was fixed as per "option-I and not option-II". Learned counsel of applicant stated that applicant was given benefit of ACP Scheme vide order dated 30.6.2000 w.e.f. 9.8.99 and was put in the pay scale of

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Rs.6500-10500/-. He further stated that applicant inadvertently could not exercise option to get his pay fixed under FR 22 (1) (a) (1) from the date of promotion or to have the pay fixed initially at the stage of time scale of the new post above the pay in the lower grade/post and get his pay re-fixed from the date of accrual of stagnation increment in the scale of pay of the lower grade/post within one month. According to learned counsel applicant filed the option on 21.8.2000 which was within the prescribed time limit of one month considering that Annexure A-5 was endorsed to his office on 25.7.2000 which states "the fixation of pay will be done by the head of office separately and it is essential for the concerned officials to give their option under FR 22 (1) (a) (1) within a period of one month."

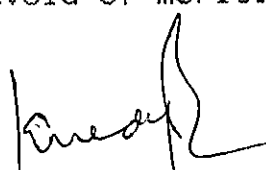
2. On the other hand, learned counsel of respondents contended that applicant has not submitted his option on 21.8.2000. He stated that applicant has twisted the facts before the court and that this application should be dismissed with heavy cost for misleading the court. Learned counsel drew our attention to Annexure R-1 dated 18.7.2000, which indicates that applicant had received respondents' memorandum dated 30.6.2000 on 5.9.2000. Applicant prepared the arrears bill from 9.8.1999 to 31.8.2000 on 12.9.2000 (Annexure R-3) in his own hand. He received the arrears on 15.9.2000 (Annexure R-5). Learned counsel further referred to Annexure R-7, which is an application made by applicant on

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27.12.2000, stating that he "was not given an opportunity to exercising option for pay fixation either from date of increment (1.1.2000) or from date of implementing ACP Scheme, i.e., 9.8.1999". Learned counsel further referred to Annexure R-10 dated 15.6.2001 in which applicant admitted, "the pay anomaly is basically has been created due to option of fixation, which I could not exercise well in time."

3. Whereas the documents relied upon by respondents indicate that applicant has admitted not to have exercised the option within the prescribed time, applicant has also not submitted any proof of submission of option with the respondents within the prescribed time. In this backdrop, applicant's claim must fail as he has certainly not been able to prove that he had exercised his option within the time limit of one month.

4. Having regard to the facts and circumstances of the case this OA is dismissed being devoid of merit. No costs.


(Kuldip Singh)

Member (J)


(V.K. Majotra)

Member (A)

cc.