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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 3304/2002

New Delhi this the 3rd day of March, 2003

Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri A.P.Nagrath, Member (A)

Shri G.S.Maingi
S/O Shri S.S.Maingi,
Administrative Member,
Central Administrative Tribunal,
Chandigarh Bench, Sector-17,
Chandigarh.

..Applicant

(By Advocate Shri Madhav Panikar)

VERSUS

1. Union of India through the
Secretary, Govt.of India,
Ministry of Finane, Deptt.of
Revenue, North Block, New
Delhi-110001
2. The Chairman,
Central Board of Excise and
Customs-cum-Special Secretary
to the Govt.of India, Deptt.
of Revenue, New Delhi.
3. The Director General, National
Academy of Customs, Excise and
Narcotics, Sector, 29-Faridabad,
Haryana.
4. Shri Angana Ram, Under Secretary
to the Govt.of India, Department
of Revenue (Ad-V Branch), Ministry
of Fiance, New Delhi-110001
5. Central Administrative Tribunal,
Principal Bench, Faridkot House,
Copernicus Marg, New Delhi-1

..Respondents

(By Advocate Shri R.N.Singh)

O R D E R (ORAL)

(Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J))

Applicant seeks a direction to the respondents to
re-fix his pay w.e.f. April, 1997 in the pay scale of
Rs.24050-650-26000 when he was promoted as Director
General, National Academy of Customs Excise and Narcotics

(NACEN). Learned counsel for the applicant has relied on the sanction order dated 7.12.2001 issued by the respondents on the subject of upgradation of the pay scale of the post of Member in the Central Board of Excise and Customs (CBEC) and the Central Board of Direct Taxes (CBDT) from Rs.22400-600-26000 (pre-revised Rs.7300-8000/-) to Rs.24050-650-26000/- (Pre revised Rs.7600-8000) with effect from 1.1.1996 in accordance with the recommendations of the 5th Central Pay Commission. The applicant appears to have filed a number of representations in which he has prayed that his pay may be correctly fixed to that of a Member of the Board of Excise and Customs i.e. in the revised pay scale of Rs.24050-650-26000 w.e.f. 1.1.1996, in terms of the aforesaid sanction order No.44/2001 dated 7.12.2001. The applicant has submitted that he was posted as Director General of NACEN on 1.4.1997 in the pay scale of Rs.24050-26000, where he had joined in the last week of April of that year. He has submitted that one person junior to him had been posted in the same pay scale as Member of the CBEC i.e., in the pre-revised pay scale of Rs.7300-8000, whose pay was refixed later on in terms of the aforesaid sanction order dated 7.12.2001. The grievance of the applicant is that the same revision of pay scale has not been granted to him in the revised pay scale of Rs 24050-26000 w.e.f. 1.4.1997. This OA was earlier filed in the Tribunal (Chandigarh Bench) which has been transferred to this Bench by order dated 22.11.2002 in PT 344/2002.

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3. Notice has been issued to the respondents by order dated 7.1.2003 to file reply. The same has not been filed so far. Shri R.N.Singh, learned counsel has sought some time to file reply to OA which, in the circumstances, we do not consider necessary, taking into account the submissions made by Shri Madhav Panikar, learned counsel for the applicant and the main relief sought for by the applicant himself in the OA.

4. In the above facts and circumstances of the case, the OA is disposed of with a direction to the respondents to consider the case of the applicant to refix his pay w.e.f. 1.4.97 in the revised pay scale of Rs.24050-650-26000, taking into consideration also the sanction order No.44/2001 dated 7.12.2001. This shall be done within a period of one month from the date of receipt of a copy of this order. In case the claim of the applicant is rejected, a detail and speaking order shall be passed, referring ^{to Y.S.} the particular rules and instructions they rely upon. The order so passed shall be communicated to the applicant by the competent authority. In the circumstances of the case, the claim for interest is rejected.

No order as to costs.

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(A.P.Nagrath)

Member (A)

Lakshmi Swaminathan
(Smt.Lakshmi Swaminathan)
Vice Chairman (J)

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