

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 041/00226/2019

Date of Order: This, the 16th day of December 2019

THE HON'BLE SMT. MANJULA DAS, MEMBER (J)

THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)



Sri Prabir Majumdar, IPS
 Son of Shri Jatindra Kumar Majumdar
 Commandant, 7th Battalion
 Tripura State Rifles, Sankumabari
 Post Office – Jampuijala
 Dist – Sepahijala, Tripura, Pin - - 799011.

...Applicant

By Advocates: Sri Adil Ahmed, Ms. D. Goswami and
 Ms. A. Theyo

-VERSUS-

1. The Union of India
 Represented by the Secretary
 To the Government of India
 Ministry of Home Affairs, North Block
 New Delhi, Pin – 110001.
2. The Secretary, Ministry of Personnel, Public
 grievance and Pension
 (Department of Personal and Training)
 North Block, New Delhi, PIN – 110001.
3. The Secretary to the Government of Tripura,
 General Administration (Personnel & Training)
 Department, New Secretariat Building, New
 Capital Complex, Post Office – New Secretariat,
 Agartala, PIN – 799010.

4. The Secretary to the Government of Tripura, Finance Department, New Secretariat Building, New Capital Complex, Post Office – New Secretariat, Agartala, PIN – 799010.
5. The Director General of Police Tripura, Police Head Quarter, Post Office-Agartala PIN – 799001.
6. The Accountant General (A&E) Tripura, Agartala, Post Office-Kunjaban, Agartala, PIN – 799006.



... Respondents

By Advocate: Sri B. K. Choudhury & Sri S.K. Ghosh

ORDER

N. NEHSIAL, MEMBER (A):-

This O.A. has been filed by the applicant with the grievance that on his promotion to Indian Police Service, his pay has been fixed and re-fixed by the respondent authorities, ultimately resulting to deduction of his pay.

2. The case was heard on 08.11.2019 and reserved for orders. The parties were directed to file written argument within a period of 10 days.
3. In the present O.A., the applicant is asking the following reliefs:

"8(i) To set aside and quashed the impugned 2nd pay fixation of the applicant vide letter No. 16011/02/2018-IPS.II dated 04.05.2018 whereby his pay has been reduced from the month of May 2019.

- (ii) To direct the Respondents to continue the earlier 1st pay fixation of the applicant at Rs. 1,23,100/- in pay Matrix 13 year 2016, Rs. 1,26,800/- in the year 2017 and Rs. 1,30,600/- in the year 2018 as per provision of Indian Police Service (Pay) amended Rules 2008 against his appointment to Indian Police Service on the basis of Selection year 2015.
- (iii) To direct the Respondents not to recover any amount of so-called excess payment made to the applicant from 03.10.2016 till April 2019 from his salary.
- (iv) To pay the cost of the case to the applicant.
- (v) Any other relief (s) that may be entitled to the applicant."



4. The respondent No. 4 filed his written argument on 18.11.2019. However, no written statement has been filed by other respondents.

5. The counsel of the applicant has not filed his written argument within this stipulated period but only on 11.12.2019.

6. It is seen from the documents submitted by the applicant that Ministry of Home Affairs, Govt. of India vide their letter dated 2nd May 2017 under No. 16011/08/2016-IPS-II has given detailed guidelines as to how the pay of the State Police Officer is to be fixed on promotion to Indian Police Service. This guideline

contains an illustration as to how the pay is to be fixed including the manner in which the pay of the officer in the State Police Service is to be protected. This illustration includes cadre of officers who are inducted to Indian Police Service in respect of the level of senior scale that is level-11, 12 or 13 based on the year of allotment. The applicant was reportedly allotted to Indian Police Service on the basis of select list of 2015.



7. As could be seen from the guidelines, we do not see the need for going into details as to how the pay is to be fixed in respect of the applicant. We hereby direct that the respondent authorities i.e. State Govt., Tripura that they should review the case of applicant's pay fixation thoroughly as per guidelines given by the Ministry of Home Affairs, Govt. of India. This pay fixation proposal may be sent to the office of Accountant General (A & E), Tripura for audit vetting. The pay of the officer so fixed, duly vetted by the office of the Accountant General shall be final. However, in case, there is over payment due to this final fixation, no recovery shall be made from the applicant in terms of

Shyam Babu Verma and Ors. Vs. Union of India & Ors., (1994) 2 SCC 521 wherein the Hon'ble Apex Court held

that – “since the petitioner received the higher scale due to no fault of theirs, it shall only be just and proper not to recover any excess amount already paid to them” as highlighted by the learned counsel of the applicant in his written argument submitted on 11.12.2019.



8. The letter of Ministry of Home Affairs under No. 16011/02/2018-IPS.II dated 04.05.2018 is not required to be set aside as this letter is clarificatory in nature.
9. With the above directions, O.A. stands disposed of. No order as to costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

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