

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO. 823/2001

Thursday, this the 23rd August, 2001

Hon'ble Shri S.A.T. Rizvi, Member (Admn)

Shri C.L. Nanda,
Assistant Administrative Officer (Retd.)
Indian Agroci;tira; Researcj Omstotite (I.A.R.I.),
Indian Council of Agricultural Research (I.C.A.R)
Ministry of Agriculture, Govt. of India
R/o C-149, Double Storey, Ramesh Nagar,
New Delhi - 110015 ..Applicants
(By Advocate: Shri V.S.R. Krishna)

Versus

Union of India through

1. The Director General,
Indian Council of Agricultural Research (ICAR)
Krishi Bhawan,
Dr. Rajendra Prasad Road,
New Delhi
2. The Director,
Indian Agricultural Research Institute (IARI)
Pusa Institute,
New Delhi 110 012 ..Respondents.

(By Advocate : None)

O R D E R (ORAL)

The applicant, an Administrative Officer in the Indian Agricultural Research Institute (I.A.R.I.), retired on reaching the age of superannuation on 31.8.1980. While he was still in service, the applicant was proceeded against departmentally and a penalty of reduction in ^athe pay ^a~~scale~~ was imposed on him by the respondent-authority's order dated 28.2.1980 (Annexure A-2). The relevant paragraph of the aforesaid order reads as follows.

"Accordingly, the penalty of reduction of his pay to the stage of Rs.920/- in the time scale of pay of Rs.650-30-740-35-810-EB-35-850-40-1000-EB-40-1200 for the period from 1.3.80 to 31.8.1980 with further stipulation that the period of reduction shall not operate to postpone

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future increments is imposed on Sh. C.L. Nanda." (emphasis supplied)

2. In consequence of the aforesaid order, the applicant's pay was fixed at Rs.960/- by allowing one increment to him as on 31.8.1980. The pensionary benefits have been granted to him accordingly.

3. By placing reliance on his own interpretation of the aforesaid order of penalty, the applicant made a representation before the respondents for fixation of his pay at Rs.1000/- by allowing him the increments which had fallen due on 1.5.1980. The said representation has been rejected by the respondents' letter of 19th December, 2000 (Annexure A-1). The said order which was passed after re-consideration of the matter provides as follows.

".....your representation dated 11.8.2000
.....as you were imposed penalty of
reduction of pay upto 31.8.80, which was
your date of retirement also...."

4. The learned counsel appearing in support of the OA submits that the aforesaid penalty order can be interpreted to mean that the increment which fell due on 1.5.1980 should have been allowed. In this connection, he has emphasised the underlined portion of the order reproduced in paragraph 1 above.

5. The respondents have disputed the claim by clearly stating that "it is also true that the normal date of his increment was 1.5.1980 but it is not true that the applicant was eligible for increment of Rs.40/- as on 1.5.1980 enhancing his pay to Rs.960/-

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with effect from 1.5.1980. Since his pay was reduced as a measure of penalty and the reduced stage of Rs.920/- in the time scale of pay of Rs.650-1200 for the period from 1.3.1980 to 31.8.1980 was specifically mentioned in the penalty order dated 28.2.1980 already on record. Shri Nanda was thus not entitled for his normal increment which was due to him on 1.5.1980 during the penalty period as per rules." In support of the aforesaid contention, the respondents have also relied on the instructions with regard to drawl of increment contained in D.G., P&T's letter dated 15.6.1964 in relation to the provisions of FR-29 (page 30 of the paper book). The following portion thereof is relevant.

"In cases, where, however, the disciplinary authority had specifically ordered that the official should be reduced by so many stages for so many years without particularly specifying that the official stands reduced to a particular stage, it has been decided that the official should be allowed to draw the increment on the due date during the period of reduction provided that the reduced pay from time to time is less, by the number of stages stipulated in the order of punishment than the pay that would be admissible but for the penalty of reduction imposed without cumulative effect"

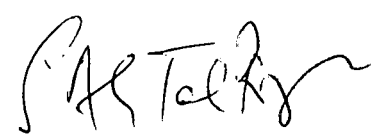
6. I have considered the matter in the light of the submissions made by the learned counsel appearing on behalf of the applicant and the pleadings placed on record. Purely on the question of interpretation of the portion underlined in paragraph 1 above, I am inclined to hold that the term "future" referred to in the aforesaid underlined portion would apply to the period following the end of the period of

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penalty, that is, in the present case, the word "future" would relate to the period starting 1.9.1980. The applicant had already retired on 31.8.1980 and, therefore, the advantage which would have otherwise accrued to him in terms of the above mentioned stipulation, cannot accrue as he was not to earn any increment after 31.8.1980. Following the expiry of the period of punishment, the increment of Rs.40/- which he was deprived of was duly restored and his pay was fixed at Rs.960/- as on 31.8.1980. This, according to me, is in order and cannot be questioned. The same is fully supported by the aforesaid instructions dated 15.6.1964 reproduced in paragraph 5 above. The present case is clearly a case where disciplinary authority has specified that the applicant will stand reduced to the stage of Rs.920/-. Thus the decision contained in the impugned letter of rejection is consistent with the aforesaid instructions dated 15.6.1964.

7. In the circumstances outlined in the preceding paragraphs, the OA is found to be devoid of merit and is dismissed. No costs.


(S.A.T. RIZVI)
MEMBER (A)

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