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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.421/99

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri Govindan S. Tampi, Member(A)

New Delhi, this the 9th day of November, 2000

Indrajit Pal
BM-50, Shalimar Bagh (Poorvi)
Delhi - 52.
presently posted as
Director Survey Settlements
and Land Records, Andhra Pradesh
Hyderabad. Applicant

(By Shri Jog Singh, Advocate)

Vs.

1. Secretary
Department of Personnel & Training
North Block
New Delhi - 110 001.
2. Secretary
Department of Family Welfare
Nirman Bhawan
New Delhi - 110 011. Respondents

(By Shri K.R.Sachdeva, Advocate)

O R D E R (Oral)

Justice V. Rajagopala Reddy:

The applicant, who is an IAS Officer of 1977 Batch of Andhra Pradesh Cadre, was deputed on 30.8.1993 to the Central Government as Director in accordance with the Central Staffing Scheme. Consequent upon the implementation of the new pay scales as per the Fifth Pay Commission's recommendations, his pay was fixed at Rs.18300/- per month, which is the maximum pay of the Director, in the pay scale of Rs.15100-18300 from 1.1.1996, by an order dated 24.11.1997. But as he was earlier drawing ^{which was the pre-revised equivalent.} in the State cadre a pay of Rs.18,400/-, he made a representation to protect his pay but the same has not been disposed of nor the pay was revised. The applicant relies upon Rule 6 of the Indian

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Administrative Service (Cadre) Rules, 1954 which according to him gives protection of pay drawn in the state cadre even while posted on deputation.

2. Heard the counsel for the applicant and the respondents and perused the pleadings on record. The learned counsel for the respondents submits that as the Rule 6 was amended on 20.5.1988, such pay protection as claimed by the applicant is not available in case of deputation of an IAS Officer to the Central Government though it was available when the deputation was made to other autonomous bodies or organisations as contemplated in Rule 6(2) (i) and (ii).

3. It is therefore necessary to consider Rule 6. ~~Rules 6 is therefore~~ reproduced below:

"6. Deputation of cadre officers:- (1) A cadre officer may, with the concurrence of the State Government or the State Governments concerned and the Central Government, be deputed for service under the Central Government or another State Government or under a company, association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by the Central Government or by another State Government.

Provided that in case of any disagreement, the matter shall be decided by the Central Government and the State Government or State Governments concerned shall give effect to the decision of the Central Government.

(2) A cadre officer may also be deputed for service under:-

- (i) a company, association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by a State Government, a Municipal Corporation or a Local Body, by the State Government on whose cadre he is borne; and
- (ii) an international organisation, an autonomous body not controlled by the Government, or a private

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body, by the Central Government in consultation with the State Government on whose cadre he is borne;

Provided that no cadre officer shall be deputed to any organisation or body of the type referred to in item (ii), except with his consent:

Provided further that no cadre officer shall be deputed under sub-rule(1) or sub-rule (2) to a post (other than a post under the Central Government or under a company, association or body of individuals owned or controlled by the Central Govt.) carry a prescribed pay which is less than, or pay scale, the maximum of which is less than, the basic pay he would have drawn in the cadre post but for his deputation."

4. A casual reading of Rule 6 makes it abundantly clear that the second proviso to Rule 6 which provides for pay protection clearly exempts the deputation of an officer to a post under the Central Government or under a company, association or body of individuals, owned or controlled by the Central Govt. The protection is therefore available only to other posts as mentioned in sub-rules (1) and (2). Since the applicant has been deputed to the Central Government, he was not entitled for such protection. We find no merit in the OA.

5. The OA therefore fails and is accordingly dismissed. No costs.

(GOVINDAN S. TAMPI)
MEMBER(A)

(V.RAJAGOPALA REDDY)
VICE CHAIRMAN(J).

/RAO/