

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

RA No.241/99

IN

OA No.1165/98

(12)

New Delhi: this the 16 day of November, 2000.

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN(A)

HON'BLE MRS.LAKSHMI SWAMINATHAN, MEMBER(J)

Hari ShankarVs.....Comm. of Police & Ors.
IN THE MATTER OF

Commissioner of Police,
Delhi Police,
I.P.Estate,

New Delhi

...Review Applicant
(Respondent in OA)
(By Advocate : Shri Rajinder Pandita)

Versus

Hari Shankar,
S/o Late Shri Jagannath,
R/o Quarter No.2, Type-III,
Police State,
Preet-Vihar,
Delhi-51

Review...Respondent
(Applicant in OA)

(By Advocate: Shri V.S.R.Krishna)

ORDER

S.R.ADIGE, VC(A):

Heard both sides on RA No.241/99 seeking review of the Tribunal's order dated 6.5.99 in OA No.1165/98.

2. In that OA applicant had sought fitment and pay scale of Rs.2000-3200/- in terms of Hon'ble Supreme Court's order to Data Processing Supervisors with all consequential benefits.

3. That OA was disposed of by oral consent order dated 6.5.99 wherein it had been noted that both parties agreed that the OA could be disposed of in terms of the Tribunal's order dated 7.1.99 in OA No.11621/98 Shri Chitta Ranjan Maithy & Ors. Vs. UOI & Ors. It was ordered

(B)

accordingly and it was further stated that applicant would be entitled to all consequential benefits.

4. In this connection, applicant was working in NSSO as Data Processing Supervisor in the scale of Rs.1600-2660 when he came on deputation to Delhi Police on 7.11.98 as Input/output Asstt.(SI) for a period of one year in the scale of Rs.1640-2900. His deputation period was extended up to 31.10.92 and he was finally absorbed in Delhi Police w.e.f. 8.2.93 as Input/output Asstt.(SI). He was confirmed as S.I. w.e.f. 8.2.95 and was promoted as Inspector(Computer Operator) on adhoc basis in the scale of Rs.16500-10500 w.e.f 1.3.98.

5. By the Tribunal's order dated 7.1.99 in OA No.1621/98 Chittaranjan Maithy & Ors. Vs. UOI & Ors. those applicants who were, like the applicant in the present case, working in NSS in the scale of Rs.1600-2660 were declared entitled to the scale of Rs.2000-3200 w.e.f. 1.1.86.

6. In the RA which has been filed by Respondent No.1 alone, and not by respondents no.2 or 3 it has been contended that the pay scale of SI was Rs.1640-2900 and if in Delhi Police he was to be fixed in the scale of Rs.2000-3200, that would be granting him the pay scale of an Inspector.

7. We have considered the rival contentions carefully.

8. Shri VSR Krishna for review respondent(applicant in the OA) has invited our attention to NSSO's office order dated 27.8.99 enclosed with review respondents' reply sanctioning him pay in the revised scale of Rs.2000-3200 pursuant to the Tribunal's order dated 6.5.99

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(A)

in OA No.1165/98 for the period from 19.8.86 to 1.11.88 during which period applicant remained with NSSO. In that order it is stated that in accordance with Rule 83 Receipt & Payments Rules, arrears of pay and allowances arising for the period 19.8.86 to 1.11.88 is to be drawn and paid by Delhi Police, and the matter of regularisation of pay from 1.11.88 onwards may be taken care of by Delhi Police.

9. As the Tribunal's order dated 7.1.99 in Maithy's case (supra) directed that those applicants who were working in NSSO in the scale of Rs.1600-2660 were entitled to the scale of Rs.2000-3200 w.e.f. 1.1.86, and admittedly applicant was also working in NSSO in the scale of Rs.1600-2660 between 19.8.86 to 1.11.88 he cannot be denied the arrears of pay and allowances in the scale of Rs.2000-3200 for that period namely 19.8.86 to 1.11.88 more particularly as nothing has been shown to establish that the aforesaid order dated 7.1.99 in Maithy's case (supra) has been stayed, quashed or set aside.

10. We make it clear that our order dated 6.5.99 in OA No.1165/98 extending the benefits in Maithy's case (supra) to applicant confined only to the period he worked in NSSO in the scale of Rs.1600-2660.

11. In the background, the Tribunal's order dated 6.5.99 warrants no interference. RA rejected.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER (J)

S.R. Adige
(S.R. ADIGE)
VICE CHAIRMAN (A)