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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

DA No. 2367/98

New Delhi: this the 29th day of November, 2000.

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

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri N. R. Yadav,
R/o 58, Kalibari Apartments,
Udyan Marg,
Near Central School,
Gole Market,
New Delhi

.... Applicant.

(By: Shri U. S. Bisht)

Vs.

1. Union of India
through

Secretary to the
President of India,
Rashtrapati Bhawan,
New Delhi.

2. Director of Administration,
President's Secretariat,
Rashtrapati Bhawan,
New Delhi.

3. The Secretary,
Ministry of Finance,
Deptt. of Expenditure,
North Block,
New Delhi-11

.... Respondents.

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

ORDER

S. R. Adige, VC (A):

Applicant impugns respondents' order dated 18.6.97 (Annexure-A1) and seeks placement in the pay scale of Rs. 1640-2900 w.e.f. 12.2.92 .

2. Heard both sides.

3. On the basis of an agreement entered into between respondents and representatives of the CPWD

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JE Association and S.O (Hort) Association, U.D. Ministry by letter dated 22.3.91 sanctioned the scale of Rs. 1640-2900 to JEs/SO (Hort) who had completed 5 years of service in the entry grade, effective from 1.1.86.

4. An SO (Hort) in President's Secretariat began representing for extension of the above benefit to himself. The President's Secretariat took up the matter and after protracted correspondence with concerned Ministries extended the aforesaid benefit to applicant and another SO (Hort) vide order dated 18.6.97.

5. Applicant who joined service as S.O. on 12.2.87 now seeks the antedating of that benefit to 12.2.92 i.e. the date he completed 5 years' service.

6. It is always open to respondents to extend the benefit of a particular order to others similarly situated from a particular date and Courts/Tribunal's would not interfere with that date unless the same is found to be illegal or arbitrary. In the present case the benefits of U.D. Ministry ~~contained in~~ letter dated 22.3.91 have been extended to those working in President's Secretariat from the date of issue of the order i.e. 18.6.97. This cannot be said to be illegal or arbitrary. Furthermore a Govt. order cannot be amended to suit the requirements of an individual officer. If such a prayer was allowed, another SO (Hort) in President's Secretariat, who joined earlier than applicant could well come forward and claim antedating of those benefits to an even earlier date, on which he completed 5 years' service as S.O.

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7. The OA warrants no interference and the ruling in SLJ 1989(2) page 100 relied upon by applicant's counsel does not advance applicant's claim in the particular facts and circumstances noticed above.

8. The OA is therefore dismissed. No costs.

A. Vedavalli
(DR. A. VEDAVALLI)
MEMBER (J)

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

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