

Central Administrative Tribunal
Principal Bench

O.A. No. 680 of 1998

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New Delhi, dated this the 9th January, 2001.

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Zile Singh,
S/o Shri
Assistant Engineer,
D.G., Doordarshan,
Doordarshan Kendra,
New Delhi. Applicant

(By Advocate: Shri B.S. Mainee)

Versus

Union of India through

1. The Secretary,
Ministry of Information & Broadcasting,
Shastri Bhawan,
New Delhi.

2. The Director General,
Doordarshan,
Doordarshan Kendra,
New Delhi.

3. The Pay & Accounts Officer,
IRLA,
Ministry of Information & Broadcasting,
AGRCR Building,
New Delhi. Respondents

(By Advocate: Shri R.P. Aggarwal)

ORDER

S.R. ADIGE, VC (A)

Applicant impugns the pay fixation statement dated 10.7.97 (Annexure A-1) and seeks "restoration" of his salary at Rs.3125/- as on 1.3.97 and fixation of his salary in revised pay scale on the basis that he was drawing Rs.3125/- on 1.1.97. He also claim refund of sums already recovered.

2. Heard both sides.

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3. It is not denied that applicant gave his option on 21.10.97 for revised pay scales pursuant to the 5th Pay Commission's recommendations w.e.f. 1.1.96. The question for adjudication is what should have been applicant's correct salary on 1.1.96 for the purposes of pay fixation in revised pay scale pursuant to the 5th Pay Commission's recommendations.

4. Applicant's claim for fixation of his salary in revised pay scale on the basis that he was correctly drawing Rs.3125/- on 1.1.97 can succeed only if applicant can establish that he was entitled to the benefit of FR 22(1)(a)(1) upon his promotion as Sr. E.A/A.E.

5. Applicant is not entitled to this benefit as is clear from letter dated 11.6.96 (Annexure R-2). further in CAT, P.B. order dated 13.9.2000 in O.A. No. 165/97 Association of Radio and Television Engineering Employees Vs. Union of India & Others it has been held that the benefit of FR 22(1)(a)(1) would not be admissible in cases of promotion from E.A. to Sr. E.A. as the pay scale of Sr. E.A. is not higher than that of E.A. Nothing has been shown to us to establish that the aforesaid decision dated 13.9.2000 has been stayed, modified or set aside.

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6. Under the circumstances, we see no infirmity in respondents' action fixing applicant's pay in the revised pay scale w.e.f. 1.1.96 consequent to his option and pursuant to the 5th Pay Commission's recommendations.

7. The O.A. is dismissed. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

S.R. Adige

(S.R. Adige)
Vice Chairman (A)

'gk'