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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA-2269/95

Tuesday, this the 3rd day of December, 1996.

HON'BLE MR. CHETTUR SANKARAN NAIR, CHAIRMAN

HON'BLE MR. S.P. BISWAS, MEMBER (A)

Nagendra Bahadur Singh,
S/o late Sh. Jagat Narayan Singh,
R/o: C/o Sh. B.R. Chauhan,
Quarter No.55, Sector-12,
R.K. Puram,
New Delhi.

...Applicant

(By Advocate Sh. B.B. Raval)

Versus

1. Union of India through
the Secretary,
Government of India,
Ministry of Home Affairs,
North Block,
New Delhi.
2. Director,
Intelligence Bureau,
Ministry of Home Affairs,
Government of India,
North Block,
New Delhi.
3. S.L. Mishra,
Assistant Central Intelligence
Officer Grade I (General),
Intelligence Bureau,
Ministry of Home Affairs,
Government of India,
New Delhi.
4. G.D. Mishra,
Assistant Central Intelligence
Officer Grade I (General),
Intelligence Bureau,
Ministry of Home Affairs,
Government of India,
New Delhi.

C/o Respondent No.2.

...Respondents

(By Advocate Sh. B. Lall)

The application having been heard on 3.12.1996 the
Tribunal on the same day delivered the following:

...2..

ORDER

CHETTUR SANKARAN NAIR (J), CHAIRMAN --

Applicant is aggrieved by the refusal of respondents to step up his pay to the level of the pay of his junior Mishra.. Annexure A-1 shows that applicant was senior to Mishra (for that matter there are two Mishras). G.D. Mishra is at serial 21 of the list and S.L. Mishra is at serial 24 while applicant is at serial 12. The anomaly was due to the reason that different dates were treated as date of absorption of applicant. Annexure A-1 readwith Annexure A-2 gives the indication that applicant was absorbed on 1.6.86 while Annexure B gives the indication that 5.2.88 was treated as the date of absorption.

Apparently different consequences and different pay fixations would flow depending on different dates of absorption. There cannot be two dates of absorption. However, learned standing counsel for respondents would submit that 1.6.86 was the date wrongly assigned and that this wrong was righted by Annexure R-3. We will only notice that the variation under R-3 was brought about without even notice to applicant and a pre decisional hearing.

2. G.D. Mishra, S.L. Mishra and applicant came from the same source namely Madhya Pradesh Police. They were absorbed in the same department, namely Intelligence Bureau. Undisputedly applicant was senior to both and undisputedly too, there is an anomaly. The matter requires examination by the

(B)

competent authority. We direct second respondent to re-examine the matter by communicating the tentative proposal to applicant within three weeks from today, hearing his objections thereafter and passing a speaking order within three months of the date of receipt of the objections of applicant.

3. Application is allowed to this extent. No costs.

Dated, this the 3rd day of December, 1996.


(S. P. BISWAS)

Member(A)


(CHETTUR SANKARAN NAIR, J.)
Chairman

'Sanju'