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Central Administrative Tribunal  
Principal Bench

O.A. No. 2341 of 1995

New Delhi, dated this the 9<sup>th</sup> March, 2000

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

1. The Association of Radio & Television Engineering Employees  
Ministry of Information & Broadcasting,  
represented by Shri R. Das Gupta  
R/o K. 2052, Chittaranjan Park,  
New Delhi-110019.
2. Shri Rana Shamsher Singh,  
S/o Shri Chandra Mouleshwar Singh
3. Shri Yogesh Kumar,  
S/o Shri Jagdish Prasad
4. Shri V.K. Gupta,  
S/o Shri O.P. Gupta
5. Shri K.K. Sharma,  
S/o Shri L.C. Sharma
6. Shri Kuldeep Bhan,  
S/o Shri Shyam Lal Bhan
7. Shri K.P. Singh,  
S/o Shri Ram Sharan .. Applicantsw

(By Advocate: Shri B.S. Mainee)

Versus

Union of India through

1. The Secretary,  
Ministry of Information & Broadcasting,  
New Delhi.
2. The Director General,  
All India Radio,  
Parliament Street, New Delhi.
3. The Director General,  
Doordarshan,  
Copernicus Marg,  
New Delhi. .. Respondents

(By Advocate: Shri S.M. Arif)

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ORDERHON'BLE MR. S.R. ADIGE, VC (A)

Applicants impugn respondents' letter dated 10.7.95 communicated vide Memo dated 1.8.95 (Annexure A-1) to the extent that it orders deductions/recoveries of OTA, Bonus etc. from arrear payments consequent to the revision of pay scales of Engineering Assistants.

2. Admittedly the pay scale of Engineering Assistants was Rs.425-750 prior to 1.1.86 which was converted to Rs.1400-2600 after implementation of the Fourth Pay Commission Report. Aggrieved by that pay scale a member of applicant Association filed O.A. No. 654/89 in C.A.T., Madras Bench which was allowed by order dated 29.2.90 and respondents were directed to allow the pay scale of Rs. 550-900 w.e.f. 1.1.78 and Rs.2000-3200 w.e.f. 1.1.86. That decision was challenged in the Hon'ble Supreme Court in an SLP which was dismissed on merits on 7.1.91 (Annexure A-2). Union of India then filed a Review Application in the Hon'ble Supreme Court against the order dated 7.1.91 which was also dismissed. Thereupon Union of India filed an R.A. No. 4 of 1992 against the C.A.T., Madras Bench order dated 29.6.90 which was allowed by order dated 10.6.92. Thereupon an SLP was filed against the C.A.T., Madras Bench order dated 10.6.92 which was allowed, and the C.A.T., Madras Bench order dated 10.6.92 was set aside.

3. Pursuant to above, respondents issued order dated 15.5.95 (Annexure A-4) revising the pay scale of Engineering Assistants to Rs.550-900 w.e.f. 1.1.78<sup>and</sup> to Rs.2000-3200 w.e.f. 1.1.86.

4. Applicants contend that pursuant to the Hon'ble Supreme Court's aforesaid order they were entitled to arrears but not only were arrears not paid, but by impugned order the Bonus, OTA, CGEIS etc. ~~was~~<sup>is now</sup> sought to be recovered from applicants, which they state is illegal and arbitrary, and their representation eliciting no satisfactory response, they have been compelled to file this O.A.

5. Respondents in their reply contend that O.T.A, Bonus etc. are admissible to employees who are within the prescribed ceiling limit of pay scale, and applicants' pay having been revised at their own instances from an earlier date, all consequential deductions have to follow, unless there was anything in the Hon'ble Supreme Court's orders expressly prohibiting the deductions.

6. We have heard both sides.

7. Shri Mainee has referred to Paragraph 5.8 of the O.A. in which reliance has been placed upon the C.A.T., Bangalore Bench order dated 20.4.94 in O.A. No. 743/93 Shri R. Pinto and Others Vs. Controller, CDA (R&D) and Anr. in which the recoveries of Bonus, OTA were ordered to be refunded.

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Shri Mainee states that the present O.A. is fully covered by the ruling in Pinto's case (supra).

8. Respondents in <sup>the</sup> corresponding Paragraph of their reply has stated that the ratio of that case is not fully applicable to the present case, and is distinguishable. It has also been stated that it was being verified whether any appeal etc. had been filed against that order in Pinto's case (supra).

9. However, during hearing Respondents counsel Shri Arif was not able to highlight any feature in the order in Pinto's case (supra) which could distinguish it materially from the facts and circumstances of the present case, and despite sufficient time given to him, he could not show us any order, staying, modifying or setting aside the order in Pinto's case (supra).

10. In the result, applying the ruling in Pinto's case (supra) to the facts and circumstances of the present case, this O.A. succeeds and is allowed to the extent that the impugned order as far as it orders deductions/recoveries of bonus and O.T.A from the arrear payments admissible on account of revision of pay scales to applicants, is quashed and set aside. Any deductions/recoveries <sup>on account of bonus and/or O.T.A</sup> already made shall be refunded to applicants as expeditiously as possible and preferably within three months from the date of receipt of a copy of this order. No costs.

*Kuldip Singh*  
(Kuldip Singh)  
Member (J)

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

gk

*has MA for 2000/01*

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