

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. 1383/96

New Delhi this the 28th day of February, 1997

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Shri K.C. Negi,
S/o Shri Saman Dharje, worked as
News Editor, N.S.D.,
Dte. General All India Radio,
526-B, Sector III,
New Delhi. ... Applicant.

By Advocate Shri T.C. Aggarwal.

Versus

Union of India through

1. Secretary to the Govt. of India,
Ministry of I & B,
Shastri Bhavan,
New Delhi.
2. Controller of Accounts,
Tropical Building,
'W' Block, Connaught Circus,
New Delhi. ... Respondents.

By Advocate Shri M.K. Gupta.

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The grievance of the applicant is that the respondents have not granted him revision of pay excepting for the period, as directed by the Tribunal in O.A. 446-A/92. His claim is that a direction should be issued to the respondents to fix his pay in Grade-III on upgradation of pay from 1.1.1973, as directed by the Tribunal and to pay arrears in the revised grade. He has also asked for furnishing due and drawn statement and for a further direction to revise his pension.

2. I have carefully considered the pleadings and the submissions made by both the learned counsel for the parties. The respondents have taken a preliminary objection on the ground of limitation which objection is rejected as the claim of the applicant relates to proper pay fixation (see judgement of the Supreme Court in M.R. Gupta Vs. Union of India (1995(5) Scale 29).

(9)

3. In O.A. 446-A/92 a direction had been given that the applicant shall be allowed the benefit of revised pay in the pay scale of Rs.650-1200 with effect from 1.1.1973 as long as they worked as FPOs and the arrears of pay paid to them.

4. The respondents have in pursuance of this direction fixed the pay of the applicant in the revised pay of FPO from 1.1.1973 to 27.9.1976 by their letter dated 26.5.1995, i.e. for the period the applicant worked as F.P.O.

4. The respondents have submitted that they have complied with the directions of the Tribunal scrupulously. It is also noted that the contempt petition (CP 71/96) filed by the applicant was also dismissed leaving it open to the applicant to seek appropriate reliefs if he has any further grievance after 27.9.1976. The applicant had admittedly been posted as Sub-Editor, All India Radio, Shimla, which is a Grade-IV post and was regularised in that post w.e.f. 4.1.1977 and was again promoted to Grade III of CIS w.e.f. 31.1.1977. The claim of the applicant that the respondents ought not to have limited his pay in the post of F.P.O. for only certain periods is not tenable as seen from the directions given in the judgement read with the order in C.P. 71/96. The applicant has worked in a lower grade till his ad hoc promotion to Grade-III on 31.1.1977. The applicant has relied on certain judgements placed on record which deal with the principle of equal pay for equal work. These judgements do not appear to be relevant ¹⁸ ~~with~~ ⁱⁿ the facts of this case. The respondents have already given the benefit due to the applicant on the upgraded pay scale because of his posting in Grade-III in terms of the judgement of the Tribunal in O.A. 446-A/92.
 his further
Therefore, claims of arrears in the higher grade as well as the fixation under FR 26 of his pay in Grade-III with arrears/ are not tenable as he ^{was} ~~is~~ not holding the post of FPO on continuous basis till his actual promotion to Grade-III. The action of the respondents in the matter cannot,

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therefore, be faulted as being against the rules. They have also given him the due and drawn statements.

6. In the result, the application fails and is dismissed. No order as to costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member (J)

'SRD'