

Central Administrative Tribunal
Principal Bench: New Delhi

OA 1101/96

New Delhi this the 10th day of December 1996.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J) -

Birendra Singh
Son of Late Shri R.E.Singh
R/o 780/II Sector-2, Sadiq Nagar
New Delhi.

...Applicant.

(By advocate:S.K.Gupta)

versus

Union of India through

1. Secretary
Ministry of Defence
South Block, New Delhi
2. Secretary
Defence Research & Development Organisation
Ministry of Defence
B-Wing, Sena Bhawan
New Delhi - 110 011.
3. Controller of Defence Accounts (R&D)
L-Block Central Secretariat
New Delhi.

...Respondents.

O R D E R (oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

None for respondents and, therefore, I do not have the privilege of hearing the learned counsel for the respondents. However, I have perused the records and have heard Shri S.K.Gupta, counsel for applicant.

2. Applicant who was serving as Assistant Store Purchase Officer in Sanjay Gandhi Post Graduate Institute of Medical Sciences, Lucknow in the scale of Rs. 850-1720 (Revised to Rs. 2000-4000) w.e.f. 1.1.86 as a result of 4th Pay Commission in U.P.State was appointed in the Defence Research & Development Organisation (DRDO) as Stores Officer in the scale of Rs.2000-3500 by Direct Recruitment consequent on his selection by the UPSC. He had applied for recruitment through

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proper channel, resigned on 20.11.89 and taken up the assignment in DRDO on 1.12.89. The scale of pay of the post of Stores Officer in DRDO is Rs. 2000-3500. His pay was fixed at the minimum of the scale. He made representations for fixation of his pay, protecting the last pay drawn by him, but his request was turned down by orders dated 22.12.95, 18.1.96 and 25.3.96 on the ground that the applicant was prior to his appointment in DRDO working in a State Government Public Sector Undertaking and, therefore, he was not entitled to protection of pay either in the OM dated 7.8.89 or in the OM dated 1.2.92. Aggrieved by this, the applicant has filed this application seeking to quash the impugned orders and for a direction to the respondents to fix the pay of the applicant at Rs. 2525 w.e.f. 1.12.89, as was suggested in the letter dated 21.7.95 (Annexure A-15) of the Controller of Defence Accounts, and to disburse to him arrears with 18% interest per annum.


3. The application is resisted by the respondents. They contend that the memo dated 28.2.92 having only prospective operation does not cover the case of the applicant and that the OM dated 7.8.89 is also not applicable to his case as he was serving, prior to his appointment in the DRDO, in the State Government Public Sector Undertaking /Autonomous Body.

4. On a careful scrutiny of the pleadings and the material, I find there is no merit in the contention of the respondents that the applicant was prior to his appointment in the DRDO serving in the State Government Public Sector Undertaking/^{Autonomous Body.} The averment in para 4.5 of the OA that the applicant was working as Assistant Stores Officer in SGPG Institute of Medical Sciences which is a University affiliated to University Grants Commission is not disputed in the reply

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statement but the respondents contend that the said University constituted under Uttar Pradesh State Act 1983 can be considered as a State Government autonomous body. A University affiliated to the University Grants Commission which is a body constituted under Section 13 of the Central Act known as Institute of Technology Act cannot be considered as a State Government autonomous body. Admittedly, the Institute is a University. In the OM dated 7.8.89. No distinction is made between a Central University and a State University. The applicant having resigned from the University on 20.11.89 and joined DRDO on 1.12.89 much after the OM dated 7.8.89 was issued, I am of the considered view that his case is covered by the instructions contained in the OM dated 7.8.89.

5. In the result, the contentions raised in the reply statement are overruled and the respondents are directed to fix his pay at Rs. 2525 w.e.f. 1.12.89 and to disburse to him consequential arrears of pay and allowances within a period of two months from the date of receipt of this order. The claim for interest is disallowed. Parties are to bear their own costs.


(A.V. Haridasan)
Vice Chairman (J)

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