

Central Administrative Tribunal
Principal Bench

O.A. No. 2326 of 1997

New Delhi, dated this the 7 September, 2000

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

Shri T. Parthasarathy,
S/o Shri T. Gopala Rao,
Stenographer Grade III, HQ Technical Group EME,
Delhi Cantt-110010.
R/o CA Block 70D,
Hari Nagar,
New Delhi-110064. . . Applicant

(By Advocate: Shri M.K. Bhardwaj proxy
counsel for Shri A.K. Bhardwaj)

Versus

1. Union of India through
the Secretary,
Ministry of Defence,
South Block,
New Delhi.
2. The Director General (EME Civ.),
Diurectorate General of EME,
Army Headquarter,
DHQ P.O., New Delhi.
3. The Commander,
Headquarters, Technical Group EME,
Delhi Cantt-110010.
4. The Area Accounts Officer,
(HQ, Technical Group EME),
Delhi Cantt-110010.
5. The Establishment Officer,
(EME Offr) (CIV), Estt.
Unit HQ, Technical Group EME,
Station: Delhi Cantt.1100010. . . Respondents

(By Advocate: Shri Madhav Panikar)

ORDER

MR. S.R. ADIGE, VC (A)

Applicant impugns respondents' order dated
27.10.90 (Annexure A-1) refixing his pay as Rs.1440/-
p.m. plus Rs.60/- p.m. instead of Rs.1470/- p.m.
w.e.f. 1.1.86. He seeks refixation of his basic pay

(2)

at Rs.1470/- p.m. w.e.f. 1.1.86 with consequential benefits.

2. Applicant was employed as LDC on 20.12.63. After passing the departmental examination, he was promoted as Stenographer Grade III (Rs.330-560). As per respondents' O.M. dated 11.12.75 (Annexure R-1) Stenographers (Ordinary Grade) in subordinate offices in pre-revised scale of Rs.330-560 whose shorthand speed was 80 W.P.M. were eligible for grant of two advance increments on qualifying the shorthand speed of 100 W.P.M. and 120 W.P.M. respectively. These advance increments were ^{not} to be absorbed in future increments.

3. Applicant was granted two advance increments of Rs.12 P.M. each for passing 100 W.P.M. and 120 W.P.M. in shorthand and the same was treated as part of pay vide order dated 3.12.85 (Annexure II).

4. However, D.P. & A.R. in the O.M. dated 14.8.89 (Annexure IV) have stated that employees who were in receipt of advance increments prior to 1.1.86 would be allowed an amount equal to the lowest rate of increments in the revised scale, corresponding to the pre-revised scale of Rs.330-560, and these additional increments would not count as pay and allowances and

(3)

as emoluments for pension/gratuity.

5. In the light of the above, while fixing applicant's pay in the revised scale w.e.f. 1.1.86, the advance increments in the pre-revised scale have not been taken into account, but have been treated a separate component, and allowed to applicant equivalent to the lowest rate of increment in the revised scale corresponding to the pre-revised scale, as is clear from Para 1 of the O.A.

6. Applicant has contended that the pay fixation claimed by him is no different from that done in the cases of Smt. Sumitra Kundra; Shri Gurbir Singh and Shri R.N. Arora, but respondents have pointed out that their pay fixation was not done in accordance with DP & AT's O.M. dated 14.8.89. While it was decided that past cases would not be reopened, errors committed in respect of past cases would not be allowed to be repeated, and pay fixation would be done strictly in accordance with DP&AT's O.M. dated 14.8.89.

7. There is merit in these submissions of respondents. Applicant can legally claim that his pay should be fixed in the manner adopted in the cases of Smt. Kundra, Shri Gurbir Singh and Shri Arora only if their pay fixation was in accordance

(14)

with law. Merely because respondents have decided that past cases would not be reopened, even if the pay fixation in those cases were not done in accordance with DP&AT's O.M. dated 14.8.89 does not give applicant an enforceable legal right to compel respondents to fix his pay in violation of DP & AT's circular dated 14.8.89, more so when that circular dated 14.8.89 has not even been impugned in the O.A.

8. The O.A. is, therefore, dismissed. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

Arif Ali

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

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