

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

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O.A. No.2129 of 1994

(10)

Dated New Delhi, this 27th day of November, 1995

Hon'ble Shri K. Muthukumar, Member(A)

Shri G. S. Misra
R/o B-I/B 34
Janakpuri
NEW DELHI-58. ... Applicant
By Advocate: Shri K. N. R. Pillay

versus

1. Government of N.C.T. of Delhi
through, Director of Education
Old Secretariat
DELHI-6
2. Pay & Accounts Officer No.2(DA)
R. K. Puram
NEW DELHI: 110 066. ... Respondents
By Advocate: Shri Amresh Mathur

O R D E R (Oral)

Shri K. Muthukumar, M(A)

The applicant is aggrieved by the letter impugned at Annexure A-III of the respondents addressed to the Principal of the Government Boys Senior Secondary School, Moti Bagh-I, New Delhi from which school the applicant has retired as Post Graduate Teacher on 28.2.93. The impugned letter gives a direction to the Principal to refix the pay of the applicant as per the decision of Government of India, Department of Personnel and Training dated 9.6.94 and for revision of pension accordingly. The applicant's case is that he had retired on 28.2.93 when his pay was rightly fixed under the extant orders of Ministry of Finance

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O.M. dated 7.6.90. His pay was fixed after taking into account the stagnation increment that he had drawn in the pay scale of Rs.1640-2900. The applicant claims that his pay was fixed correctly at Rs. 3050/- in the pay scale of Rs.2000-3500 consequent to his appointment to the non functional senior scale. The applicant claims that his placement was not by promotion but by efflux of time of 12 years, as per Ministry of H.R.D.'s letter of 12.8.87. The learned counsel for the applicant states at the Bar that the Pay and Accounts Officer ^{impugned} has issued the letter and by an interim order further action in the matter had been stayed by the Tribunal. However, it is seen that the applicant had already made a representation when he came to know about the objection raised by the Pay and Accounts Officer on the fixation of his pay. The learned counsel for the applicant admitted that no further representation was made consequent on the issue of the impugned letter dated 11.8.94.

2. The question involved is relatively a simple one relating to fixation of pay in accordance with O.M. dated 7.6.90 of the Ministry of Finance, Department of Expenditure (Annexure A'V'-3). Therefore, the matter has been taken up for disposal at the admission stage after hearing the

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counsel for the parties.

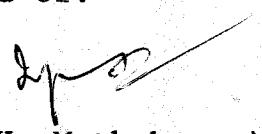
3. The learned counsel for the respondents states that in the counter reply the respondents themselves have admitted in paragraph-4.X that granting of senior scale was not a promotion in itself. Therefore, the learned counsel for the respondents states that *prima facie*, the respondents have not effectively set out a case against the pleadings of the applicant and have virtually agreed that according to rule position the applicant would be entitled to fixation of pay taking into account the stagnation increment which is treated for the purpose of refixation of his pay on senior scale. However, the learned counsel for the applicant admitted that no representation has been made so far by the applicant in pursuance of the order dated 11.8.94.

4. In the light of the matter, I find that it will suffice if a suitable direction is given to the applicant to submit a representation to the next higher authority for proper fixation of pay in accordance with rules within a period of one week from the date of receipt of a copy of this order. I accordingly direct the applicant to do so. I also direct the competent authority to finally dispose of the representation within a period of one month after receipt of the representation, by a proper speaking order. If the

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applicant is still aggrieved by the decision of the competent authority, he can again seek remedy by approaching this Tribunal.

5. With the above directions, the application is disposed of, with no order as to costs. M.A.1725/95 also stands disposed of.


(K. Muthukumar)
Member(A)

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