

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A./T.A. No. 2400 /19 94 Decided on: 15.2.96

(11)

Dr. Babu Ram APPLICANT(S)

(By Shri P.L. Mimroth Advocate)

VERSUS

U.O.I. & Anr. RESPONDENTS

(By Shri B. Lall Advocate)

CC RAM

THE HON'BLE SHRI S.R. ADIGE, MEMBER (A)

THE HON'BLE SHRI/SMT./DR.

1. To be referred to the Reporter or not? Yes

2. Whether to be circulated to other Benches
of the Tribunal? No

Adige
(S.R. ADIGE)
Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 2400 of 1994

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New Delhi, dated the 15th February, 1996.

HON'BLE MR. S.R. ADIGE, MEMBER (A)

Dr. Babu Ram,
S/o Shri Munna Lal,
R/o L-82, Sector-II,
NOIDA (U.P.) APPLICANT

(By Advocate: Shri P.L. Mimroth)

VERSUS

1. Union of India through
the Secretary,
Dept. of Agriculture & Coop.
Ministry of Agriculture,
Krishi Bhawan,
New Delhi.
2. The Director,
Indian Agriculture Research Institute,
Pusa,
New Delhi-110012. RESPONDENTS

(By Advocate: Shri B. Lall)

JUDGMENT

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

In this application Dr. Babu Ram, had sought for a direction to the Respondents to fix his pay at Rs.4000/- w.e.f. 1.2.89 in the scale of Rs.3000-4500 and in terms of FR-22 and FR-31(2).

2. Shortly stated, the applicant who was working as Senior Scientist in the Water Technology Centre, IARI, New Delhi was selected as Asstt. Commissioner by the UPSC in the pay scale or Rs.1100-1600.

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3. I note that the applicant had earlier filed O.A. No. 2958/91 which was disposed of by the Tribunal's judgment dated 28.8.92. In that judgment it was noted that the applicant who was working as a Senior Scientist in the Water Tech. Centre, IARI, New Delhi in the scale of Rs.700-1300 was appointed on the recommendation of the UPSC through direct recruitment as Asstt. Commissioner (Soil and Water Engineering, Deptt. of Agri. & Coop., Ministry of Agriculture) in the scale of Rs.1100-1600, with the grant of two advance increments fixing his pay at Rs.1200/- vide appointment letter dated 16.10.86. Consequent to the 4th Pay Commission's recommendation the pay scale of Asstt. Commissioner (S & WC) was revised to Rs.3000 - 4500 w.e.f. 1.1.86 while the pay scale of Scientists in IARI was revised from Rs.700 - 1300 to Rs.3700 - 5700. The Tribunal in its judgment dated 28.8.92 had categorically rejected the applicant's assertion that he had been posted as Asstt. Commissioner (S & WC) either by transfer or by deputation, and had clearly held that the applicant had been appointed as such a direct recruit, and therefore could not claim benefit of revised scale of Scientists (3700-5700) for pay fixation as Assitt. Commissioner (S & WC) and the Respondents

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were accordingly directed to fix the pay of the applicant as on 26.2.87 at Rs.3200/- with annual increment of Rs.100/- in the scale of Rs.3000-4500. The respondents were also directed not to recover the amount already paid to the applicant on that account.

4. By the impugned order dated 22.9.93, the respondents have re-fixed the applicant's pay exactly in the manner directed by the Tribunal vide judgment dated 28.8.92.

5. The applicant now seeks quashing of that order dated 22.9.93 and for a direction to fix his salary at Rs.4000/- w.e.f. 1.2.89 in the pay scale of Rs.3000-4500 and arrange payment thereof in terms of provisions of FR -22 and FR 31(2) together with arrears thereon.

6. If the applicant had any grievance in respect to the judgment dated 28.8.92 on the basis of which respondents have passed their impugned order dated 22.9.93 it was open to him to have filed a review/appeal. He did neither and no materials have been shown to us to allow us to conclude that the said judgment has not become final and conclusive. No liberty was given in that judgment to file a fresh OA if any grievance survived after the respondents had implemented the directions contained in the judgment dated 28.8.92 which directed the respondents to fix the applicants' pay w.e.f. 26.2.87 at Rs.3200/- and to give him 2 annual increments @ Rs.100/- per year till 26.2.90 which the respondents have done.

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7. No interference in this OA is therefore
warranted. The OA is dismissed. No costs.

Arfalgé
(S.R.ADIGE)
MEMBER (A).

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