

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

9
O.A.No. 1683/94.

Date of decision: 31-5-95

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

Shri M.P. Singhal,
Ex-Administrative Officer of
the Indian Institute of Petroleum
(A Unit of CSIR)
and r/o 63, Solani Puram,
ROORKEE (U.P.)-247 667.

.. Applicant

(By Advocate None)

versus:

1. Council of Scientific &
Industrial Research,
'ANUSANDHAN BHAVAN',
Rafi Marg, New Delhi-110 001
through its Joint Secretary (Admn.)

2. Director,
Central Building Research Institute,
ROORKEE (U.P.) - 247 667

3. Director,
Indian Institute of Petroleum,
P.O. I.I.P., Mohkampur,
DEHRA DUN (U.P.).

.. Respondents

(By Advocate Shri Manoj Chatterjee)

O_R_D_E_R

[Hon'ble Smt. Lakshmi Swaminathan, Member (Judicial)]

This application has been filed by the applicant seeking a direction to the respondents to fix his pay at Rs. 2900/- with effect from 14th August, 1986 under the provisions of F.R. 22(i)(a) previously F.R. 22(c) as Private Secretary and further to fix his pay as Administrative Officer with effect from 11.2.1991 accordingly.

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2. The applicant, who was working as Senior Personal Assistant in the scale of Rs. 650-1040 (pre-revised) was promoted as Private Secretary by respondent No. 1 with effect from 13.8.1986 by order of even date (Annexure A-2). At that time the payscale of the post of Senior Personal Assistant was Rs. 650-1040 and that of Private Secretary was Rs. 650-1200. The Fourth Pay Commission recommended ~~recommended~~ that the scale of Rs. 650-1040 should be revised to Rs. 2000-3200 and 650-1200 should be revised to Rs. 2000-3500 with effect from 1.1.1986.
3. The applicant states that the case is that consequent upon his promotion as Private Secretary in the higher payscale of Rs. 650-1200, his pay was fixed at Rs. 1040/- p.m. with effect from 14th August, 1986. He opted for the new payscale w.e.f. 1.1.1986. His claim is that his pay should have been fixed in the ~~pre~~-revised scale of Rs. 2000-3500 ~~and~~ at Rs. 2900/- with effect from 14.8.1986 in the higher payscale and not at Rs. 2750/- as Senior Personal Assistant.
4. I have carefully considered the records and the oral and written submissions made by Shri K.N. Bahuguna, learned counsel for the applicant and Shri Manoj Chatterjee, learned counsel for the respondents.
5. The respondent No. 1, Council of Scientific and Industrial Research (CSIR), which is a society registered under the Societies Registration Act, 1860 adopted the recommendations of the Fourth Pay Commission

when the General Body approved the same on 24.4.1987 with effect from 1.1.1986. It is seen from the proceedings of 112th meeting of the Governing Body of the CSIR that after the announcement of ^{the} Government decision relating to payscale of Group 'B', 'C' and 'D' Employees, they considered the payscale identified by their own High Powered Committee which had been set up by them, as given in Annexure 3.1. The Governing Body made the payscales as identified below by the High Powered Committee applicable with effect from 1.1.1986 :-

	<u>Existing Scales</u>	<u>Revised Scales</u>
	Rs	Rs
Administrative (Normal Grades)	650-1040 (SPAs only)	2000-3500
	650-1200	2000-3500


After the adoption of the payscales for Senior Personal Assistants and Private Secretaries with effect from 1.1.1986, the Office Memo. dated 13.8.1986 promoting the applicant to the grade of Private Secretary will become inoperative and lose its significance. The scale of pay of SPAs and PSs with effect from 1.1.1986 have been merged in the same scale of pay viz. Rs. 2000-3500. The plea of the applicant that the pay on his promotion to the post of Private Secretary from August 1986 has been ignored has to be looked at in the background of the decision of the Governing Body wherein both the scales of pay have become identical

with effect from 1.1.1986. It is also significant ^{to note} that the respondents have taken the service of the applicant as Private Secretary with effect from 1.1.1986, and not from 14.8.1986 when he was actually promoted ^{Back from an earlier date} earlier for purposes of considering him for promotion to the next higher post of Administrative Officer (Annexure A-7). This would mean that the applicant has been given the benefit of the merger of scales of SPA and PS with effect from 1.1.1986 and not from the later date i.e. 14.8.1986 for the purpose of promotion. The applicant had himself opted for the revised scale of pay with effect from 1.1.1986 and accordingly his pay was fixed in that scale of Rs.2000-3500. Having taken the benefit of being considered as Private Secretary with effect from 1.1.1986, he cannot now also ^{for purposes of pay fixation} claim the benefit of the promotion from the later date of 14.8.1986. In the facts and circumstances of the case, the respondents cannot be faulted in the manner they have fixed the pay of the applicant as Private Secretary in the revised payscale of Rs. 2000-3500. The judgment relied upon by the applicant in Ramesh Chand v. UOI & Ors. (O.A. No. 2221/89) is distinguishable on the facts in the present case.

6. The respondents have submitted the service book of the applicant which shows that the pay of the applicant as Private Secretary in the pre-revised scale of Rs.650-1200 on his appointment on 14.8.1986 has been

cancelled by the Head of the Office and also signed by the applicant on the same page of the service book and the salary of the applicant as Private Secretary has been given as on 1.1.1986 which has also been signed by the applicant. The service book has been maintained in accordance with the relevant rules/instructions.

7. In the result, the application fails and is dismissed. No costs.


(Smt. Lakshmi Swaminathan)
Member (J)