

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 1680/89
~~TAIXNO~~

199

DATE OF DECISION 10.5.91.

SHRI BIRPAL SINGH & ORS.	Petitioner
SHRI D.N. GOBURDHUN	Advocate for the Petitioner(s)
Versus	
UNION OF INDIA & ANR.	Respondent
SHRI K.C. MITTAL	Advocate for the Respondent(s)

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The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN(J)

The Hon'ble Mr. B.N. DHOUNDIYAL, MEMBER(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *yes*
2. To be referred to the Reporter or not ? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement ? */*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *no*

(Judgement of the Bench delivered by
Hon'ble Shri B.N. Dhoundiyal, Member(A))

The applicants, who came to CBI on deputation from the Police forces of U.P. Haryana and Punjab and were later absorbed in the organisation, have filed this application under Sec.19 of the Administrative Tribunal's Act of 1985, praying that the orders fixing their pay at a level lower than what they were drawing before absorption may be quashed and their due pay scales may be given to them. They claim to be covered by the decision taken by the Bangalore Bench of the Tribunal in application No.673-676 of 1986 decided on 30.9.88 in which it was held that pay fixation of the constables at lower level than what they were drawing prior to absorption is totally arbitrary.

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2. The table given below indicates the basic pay drawn by the applicants at the time of absorption and that fixed thereafter:

Name of the applicant	Basic pay drawn on the date of absorption	Basic pay fixed after absorption
	Rs.	Rs.
1. Virpal Singh, Head Constable	474.00	387.00
2. Ram Singh, Head Constable	620.00	470.00
3. Amar Singh, Head Constable	585.00	435.00
4. Sher Singh, Constable	555.00	405.00
5. Radhey Shyam, Constable	570.00	420.00
6. Vas Dev Constable	600.00	459.50
7. Krishan Kumar, Constable	540.00	390.00
8. Jagbir Singh, Constable	570.00	411.00

3. The applicants claim that this reduction of basic pay had adverse effect on their revised pay after the IVth Pay Commission recommendations were implemented. In particular they were being denied the benefit of 20% increase in pay subject to the minimum of Rs.75/- per month.

4. The relief sought by the applicants is that their pay scales should be fixed in accordance with the judgement given by the Bangalore Bench of the Tribunal in applications

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Nb.673-676/86 decided on 30.9.88. Their pay scales be revised and all the benefits and the pay scales given to similarly situated employees including the benefit of increase of 20% in the basic pay or Rs.75/- whichever is more. They have also demanded arrears and consequential benefits.

5. In application Nbs.673-676 of 1986, it was held by the Bangalore Bench of this Tribunal that the order by which the pay of the applicants had been fixed at a lower level than was done at the beginning, was totally arbitrary and irrational. The Bench had directed the respondents to regularise the pay of the applicants from time to time in accordance with the earlier orders. The ratio of the said judgement will apply in the case of the applicants before us, who are also similarly situated.

6. The respondents have admitted that the pay of the constables working in CBI Bangalore Branch has already been fixed in accordance with the Judgement given by the Bangalore Bench of this Tribunal. They also concede the point that there should not be any discrimination in the matter of fixation of pay on permanent absorption in the CBI. The matter has been referred to the Department of Personnel and Training and their decision is awaited.

7. In the conspectus of the facts and circumstances of this case, we are of the opinion that it would be just and proper to extend the benefits given by the Judgement of the Bangalore Bench of the Tribunal to similarly situated constables and Head Constables of C.B.I. also. We also note that this

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matter is under consideration in the Department of Personnel and Training. We, therefore, direct that the orders for uniform application of the aforementioned judgement for fixation of pay of all constables drawn from State forces and absorbed in the C.B.I. shall be fixed by the Department of Personnel and Training as expeditiously as possible but in no event later than three months from the date of receipt of this order. Let a copy of this order be sent also to the Department of Personnel and Training.

8. There shall be no orders as to cost.

B.N. Dhoundiyal
(B.N. DHOUNDIYAL) 10/5/91
MEMBER(A)

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10/5/91
(P.K. KARTHA)
VICE CHAIRMAN(J)