

(18) (49)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 553 of 1988
T.A. No.

DATE OF DECISION 20.11.1989

R.P. Upadhyay

Applicant (s)

Applicant in person.

Advocate for the Applicant (s)

Versus

Union of India

Respondent (s)

Shri N.S. Mehta, Sr. Standing Counsel ~~Advocate~~ for the Respondent (s)

CORAM :

The Hon'ble Mr. B.C. Mathur, Vice-Chairman.

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. To be circulated to all Benches of the Tribunal ?

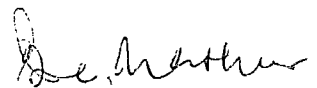
JUDGEMENT

This is an application filed by Shri R.P. Upadhyay, Deputy Adviser, Planning Commission, under Section 19 of the Administrative Tribunals Act, 1985, against the impugned Order No. F. 6(1312)/87 Adm.I dated 5.1.88 passed by the Secretary, Planning Commission, about fixation of his pay. The grievance of the applicant is that his initial pay has not been fixed correctly under FR 22-C consequent upon promotion to the post of Deputy Adviser in the Planning Commission, in the scale of Rs. 3700-5000 in the parent cadre, on reversion from the post of Principal Scientific Officer (an ex-cadre post) in the Department of Non-Conventional Energy Sources in the scale of Rs. 3700-5000 from 27.5.87.

2. The details of this case are mentioned in my orders dated 16.11.88 when the case was referred to a Full Bench in view of the conflicting decision of the two Benches of the Tribunal, namely, the judgment of the Madras Bench in S. Ramakrishna & Another Vs. Union of India & Others - AISLJ 1986 (2) CAT 377, on the one side, and decisions in the cases of Bahadur Chand Bhatia Vs. Union of India and Others - 1987 (2) SLJ CAT 30, R.S. Murthy and P.C. Kannan Vs. Union of India & Others - OA 147/88 and OA-

136/88 on the other side.

3. The present application No. 553/88 was heard by a Full Bench of this Tribunal and in their decision dated 7.11.89 held that when a person is sent on deputation on an ex-cadre post having higher pay-scale and he opts for the pay scale of the deputation post, he is not entitled, on his reversion to the parent department, to get his pay fixed on the basis of the pay drawn on the deputation post. In such a case, he will be entitled to get the benefit of notional increments only in the pay scale he was working when he went on deputation. In view of the clear findings of the Full Bench in the present case, the applicant cannot get the benefit of his salary on a deputation post when he was appointed as Deputy Adviser in the Planning Commission. It is held that the respondents have fixed the applicant's pay correctly. In the circumstances, the application is dismissed. There will be no orders as to cost.



(B.C. Mathur)
Vice- Chairman

20.11.89