

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00493/2020

Friday this the 23rd day of October, 2020

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member
Hon'ble Mr.K.V.Eapen, Administrative Member

P.S.Mani IFS(Retd), aged 68 years,
S/o. P.S Shankaran
"Grin-Punnokkil", Valiyalukkal, Kanimangalam,
Thrissur District -680 027.
Last worked as DFO, Kozhikode.
Ph: 9645071979

..... **Applicant**

(By Advocate : Mr.S.Sujin)

V e r s u s

1. Union of India represented by
Secretary to the Government,
Ministry of Personnel & Public Grievance,
Department of Personnel & Training,
North Block, New Delhi- 110001
2. Ministry of Environment & Forest
Represented by the Secretary to the Government,
North Block, New Delhi- 110001.
3. Deleted vide order dated 23.10.2020
4. The Accountant General (A&E),
Office of the Accountant General,
M.G. Road, Trivandrum,

Kerala- 695 001

5. State of Kerala, represented by the Chief Secretary to the Government,
Government Secretariat, Trivandrum 695 001 **Respondents**

(By Advocate : Mr.N.Sreejith,ACGSC for R1, Mr.M.Rajeev,G.P for R 4)

This application having been heard on 23.10.2020 through video conference, the Tribunal on the same day delivered the following:

O R D E R (ORAL)

Hon'ble Mr. P.Madhavan, Judicial Member –

The applicant, a retired IFS Officer, has approached this Tribunal being aggrieved by the wrong fixation of his initial pay in the IFS cadre. He was promoted to the Indian Forest Service w.e.f 01.05.2006 and his pay was fixed at Rs.27,670/- plus the grade pay of Rs.6,600/-. However, his pay was subsequently stepped up to that of his junior at Rs.37,400/- + G.P Rs.8700/- in PB 4 with Grade pay of selection grade w.e.f 1.5.2006. Had the respondents protected the SFS pay drawn by the applicant, he would have got a basic pay of Rs.46,310 + Grade Pay of Rs.8,700/-. The initial pay of the applicant was however not fixed in accordance with the State Pay last drawn and including the next increment due. He retired on superannuation from the Indian Forest Service while working as Deputy Conservator of Forests on 30.04.2011. The reliefs sought for in the Original Application are as follows:

" i. To issue appropriate order or direction to the respondents to re-fix the pay of the applicant in PB-4 with grade pay of Selection Grade protecting the last drawn pay in the State Forest Service;

ii. To issue appropriate orders or directions to the respondent to permit the applicant the right of option while so re-fixing the pay in IFS with respect to the date of next increment due in the State Forest Service so that the applicant does not suffer loss of one increment;

iii. To issue appropriate orders or directions to the respondent to pay all arrears of pay and other service benefits due to re-fixation of initial pay and to re-fix the retirement benefits including the pension of the applicants in tune with the re-fixation.

iv. Grant such other and further reliefs as are just, proper and necessary or this Hon'ble Tribunal may deem fit to grant; and

v. Award to the applicant the costs of these proceedings. "

2. When the matter came up for consideration, learned counsel for the applicant submits that the applicant had also given a representation in 2019 and the same is pending with the respondents. Counsel for the State Government Adv.Mr.M.Rajeev, G.P submits that the said representation is not seen received in the Department. Hence he seeks a copy of the same.

3. In view of the above submission, the applicant is directed to file a comprehensive fresh representation within a period of 2 weeks from the date of receipt of a copy of this order. **The Competent Authority is directed to consider the representation which is going to be filed by the applicant, within a period of 2 months from the date of receipt of the representation, in the light of relevant**

rules and regulations on the subject and pass a reasoned and speaking order.

4. The Original Application is disposed of as above. No costs.

(K.V.EAPEN)
ADMINISTRATIVE MEMBER

(P.MADHAVAN)
JUDICIAL MEMBER

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List of Annexures

- Annexure A1 : True copy of the pay slip issued by the Conservator of Forest showing the SFS pay at Rs.27,200/- on 30.4.2006.
- Annexure A2 - True copy of the pay slip issued on 17.12.07 by the 4th respondent showing the stepped up initial pay in the IFS on 1.5.2006.
- Annexure A3 - True copy of the representation of the applicant dated 15.7.2019 addressed to the Chief Secretary of Govt. of Kerala.
- Annexure A4 - True copy of the Judgment dated 18.3.2014 in W.P 15528 of 2010.
- Annexure A5 - True copy of the order dated 14.6.2019 in O.A No.180/00332/2016
- Annexure A6 - True copy of the letter dated 6.3.2019 issued by the Govt of India .

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