

CENTRAL ADMINISTRATIVE TRIBUNAL  
(PRINCIPAL BENCH)  
DELHI.

DA 1552/87

Shri R.Srinivasan & Ors

Vs. Union of India.

5.1.88

Applicants through Shri K.A.Ramasubramaniam, counsel.  
Respondents through Shri N.S.Mehta, Senior Standing  
counsel.

(Judgment of the Bench delivered by Hon'ble Mr.Justice  
K.Madhava Reddy, Chairman).

The applicants were promoted to the cadre of Section  
Officers in the Central Secretariat from the Grades of  
Assistants/Stenographers Gr.'C'. The pay of the Section  
Officers up to the date of implementation of the Fourth  
Pay Commission's recommendations was Rs.650-30-740-35-810-  
EB-35-880-40-1000-EB-40-1,200. Note append<sup>ed</sup> to Rule 19 of  
the CSS Rules, 1962 reads as under.

"NOTE :- An officer promoted to the Section Officers'  
Grade shall be allowed a minimum initial pay of Rs.710 in  
this scale"(emphasis added)

In accordance with the above note that an officer  
promoted to Section Officer's Grade will get a minimum  
initial pay of Rs.710 in the scale; in other words, on  
promotion they were allowed two increments, thus taking  
their minimum initial pay to Rs.710/- They pray for a  
direction against the Union of India for refixing the pay  
of the applicants in the revised scale of Section Officers  
in accordance with the requirements contained in the Note  
under Rule 19 of C.S.S. Rules, 1962. It is the contention  
of the applicants that even after the implementation of  
the Fourth Pay Commission's recommendations, while fixing  
the initial pay of Section Officers in the scale of  
Rs.2,000-3,500 they should be allowed these two increments  
and their pay should be fixed at the minimum of Rs.2,120/-  
This is neither recommended by the Fourth Pay Commission  
nor allowed by the Government. There is no rule directing  
the Government to allow two increments even in revised pay

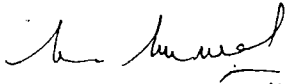
scale of Rs.2,000-3,500 now allowed to Section Officer in implementation of the Fourth Pay Commission's recommendations. In the absence of any such Rule the respondents cannot be directed to fix the initial pay at Rs.2,120. What is, however, contended is that when the Third Pay Commission's recommendations were implemented two such increments were granted and Section Officers were allowed a minimum of Rs.710/- and therefore the same principle should be applied while implementing the Fourth Pay Commission's recommendations also. Otherwise, according to them, it would be discriminatory violative of Articles 14 and 16 of the Constitution. We are unable to accept this contention. All Section Officers who are given the Revised Pay scale are treated equally in as much as all have been given the minimum initial pay of Rs.2,000/- which is much higher than the then pre-revised pay. The Note relied upon applies to only those Section Officers who are in the scale of Rs.650-1200, which is no longer in existence. The applicants cannot claim the application of that Note analogy to the revised pay scales. After the implementation of the Fourth Pay Commission none of the Section Officers have been given the two increments, hence no question of discrimination or violation of Article 14 or 16 arises. In the absence of any violation of any rule or Constitutional provision, the petitioners who have been admittedly given a much higher pay scale (Rs.2,00-3500) in the place of the earlier pay scale (Rs.650-1200), cannot claim for a Mandam<sup>-MS</sup> to compel the Government to fix their minimum initial pay at Rs.2,120/-.

*Handwritten signature*

2

It is stated that certain Section Officers were allowed these two increments while implementing the Fourth Pay Commission's recommendations. When it was realised that these increments were not admissible under the extant rules, the amount so paid was certainly recoverable. Any amount paid under a mistake can certainly be recovered from their future pay. On the basis of such erroneous payment, the Section Officers do not acquire any right either to retain that amount or claim two increments in the revised pay scale.

The petition is without any merit and accordingly dismissed.

  
(Kaushal Kumar)  
Member

  
(K. Madhava Reddy)  
Chairman