

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 480/90
T.A. No.

199

DATE OF DECISION 26/7/1990

<u>Sh.Kashmiri Lal</u>	Petitioner
<u>Sh.B.B.Raval</u>	Advocate for the Petitioner(s)
Versus	
<u>Union of India and Others</u>	Respondent
<u>Sh.M.L.Verma</u>	Advocate for the Respondent(s)

CORAM

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

The Hon'ble Mr. P.SRINIVASAN, 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 ?
3. Whether their Lordships wish to see the fair copy of the Judgement? } No
4. Whether it needs to be circulated to other Benches of the Tribunal? } No

ORAL JUDGEMENT

(DELIVERED BY HON'BLE MR.P.SRINIVASAN, MEMBER (A))

This application has been listed before us for admission today. However, after hearing counsel for the applicant, Sh.B.B.Raval and Counsel for the respondents, Sh.M.L.Verma, we feel that it can be disposed of on merits at this stage itself.

2. The applicant who was a member of the Haryana Police came on deputation to the Intelligence Bureau (IB) many years back. With effect from 1.8.1986 he was permanently absorbed in I.B. in the post of A.C.I.O.-II. The revised pay scale of the post in the Haryana Police held by him at that time was Rs.1640-60-2300-75-2900. It is common ground in the

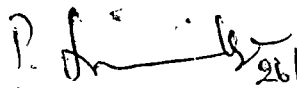
P. Srinivasan

application (para-4-4) and the reply of the respondents (para-1) that the applicant's pay in the said revised pay scale in the Haryana Police was fixed at Rs.1700/- as on 1.1.1986 and he was to draw an increment on 1.5.1986 raising his pay to Rs.1760/-. The pay scale of the ACIO-II in the I.B. was exactly the same as the pay scale applicable to the applicant in the Haryana Police. Initially when the applicant was absorbed in the I.B. w.e.f. 1.8.1986 he was drawing a basic pay of Rs.1760/- in the Haryana Police (having earned an increment w.e.f. 1.5.1986). The respondents, however, fixed his pay in the Central Scale as ACIO-II as on 1.8.1986 (when he was absorbed) at Rs.1700 instead of Rs.1760 and gave him an increment w.e.f. 1.5.1987 raising his pay to Rs.1760. He retired from service on 31.10.1987. His pension and other benefits were calculated at the basic pay of Rs.1760 which he continued to draw on the date of his retirement. His contention is that on his absorption in the C.B.I. in the same scale of pay, his pay and date of increment should have been fixed as in the Haryana Police and should not have been reduced to his disadvantage. In other words, as on 1.8.1986 (the date of his absorption) his basic pay in the Central Scale should have been fixed at Rs.1760 (as he was then drawing in the Haryana Police) and he should have been allowed an increment on 1.5.1987 raising his basic pay to Rs.1820 and his retirement benefits on his retirement w.e.f. 31.10.1987 should have been calculated and allowed accordingly. H

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3. For fixing the pay of the applicant in the Central Scale of pay at Rs.1700 on his absorption on 1.8.1986, the respondents rely on a letter dated 19.7.1983 of the Ministry of Home Affairs. We have perused the said letter carefully. We see nothing therein to support the contention of the respondents; it does not appear to have any bearing at all on the fixation of pay in this case. On the other hand, when the pay scale of the applicant in the Haryana Police on the date of his absorption in C.B.I. was the same as the pay scale of the post in C.B.I. in which he was absorbed, we can see no justification in fixing the applicant's basic pay on such absorption at a lower figure than he was drawing in the Haryana scale at the time. We are clear in our mind that the basic pay of the applicant on his absorption in C.B.I. w.e.f. 1.8.1986 should have been fixed at Rs.1760 and that he should have been granted an increment raising his pay to Rs.1820 w.e.f. 1.5.1987 and that his pension and other benefits on his retirement w.e.f. 31.10.1987 should also be calculated and paid accordingly. We direct the respondents to do so now.

4. The application is, therefore, allowed on the above terms leaving the parties to bear their own costs.


(P. SRINIVASAN)
MEMBER (A)
26/7/90


(P.K. KARTHA)
VICE CHAIRMAN (J)
26/7/90