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CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 1629 of 1991

New Delhi, dated the 18th October, 1995

HON'BLE MR. S.R. ADIGE, MEMBER (A)

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri R.C.A. Rituparna,
S/o Shri Sham Sunder Aggarwal,
R/o A-148, Vivek Vihar,
New Delhi-110095. ... APPLICANT

(By Advocate: Dr. D.C. Vohra)

VERSUS

1. Union of India through
the Foreign Secretary,
Ministry of External Affairs,
South Block, New Delhi.
2. The High Commission of India,
Port of Spain (Trinidad),
through its H.O.C.,
C/o Ministry of External Affairs,
South Block,
New Delhi-110011. ... RESPONDENTS

(By Advocate: Shri M.K. Gupta)

ORDER (ORAL)

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

In this application, Shri Rituparna Sr. Lecturer, Delhi University has sought pay protection for the duration of his appointment as Hindi Officer at Port of Spain, Trinidad.

2. Shortly stated the applicant who was drawing Rs.3825/- p.m. as pay in the scale of Rs.3200-5700 was appointed as Hindi Officer, Port of Spain in terms of the MEA's circular

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dated: 13.3.87 (Ann. A). The post of Hindi Officer was in the scale of Rs.3000-4500. Paragraph 4 of that circular stated that in the case of University Teachers the pay would be fixed according to the rules fixed by Govt. from time to time. The respondents fixed the applicant's pay at the minimum of the scale of Rs.300-4500 i.e. at Rs.3000/-, claiming that the applicant being a University Teacher is not entitled to pay protection under the rules applicable to Govt. servants.

3. The applicant joined duty as Hindi Officer, Port of Spain on 1.7.88 and was repatriated on 16.7.92 and hence the period involved is a little over four years.

4. In this connection, we have heard Dr. D.C. Vohra for the applicant and Shri M.K. Gupta for the respondents, and have also perused the Tribunal's interim directions dated 6.4.92, directing the Respondents to grant the applicant the same pay and DA which he was drawing prior to his appointment in Port of Spain w.e.f. 1.4.92 until further orders, and if such a stage was not available, then to permit him to draw pay at a stage just below what he had been drawing. This interim order was given in the background of the Dep'tt. of Personnel O.M. dated 7.8.89 made effective

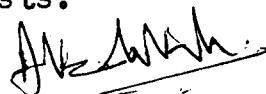
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from 1.8.89, and by this interim direction, the applicant was allowed to draw Rs.3750/- p.m. as pay with the corresponding DA and other admissible allowances from 1.4.92 till his date of repatriation i.e. 16.7.92.

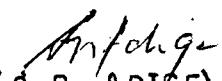
5. After considering the rival contentions and on perusing the available materials on record, we consider it fair and just to confirm the interim order dated 6.4.92, with this modification that the applicant will be entitled to draw pay at the rate of Rs.3750/- p.m. w.e.f. 1.8.89, up to and including 16.7.92, in the pay scale of Rs.3000-4500, with annual increments as admissible in that pay scale, together with D.A. and other allowances as admissible to him. The total sum thus due to the applicant, less what has already been drawn, should be computed and paid to him within three months from the date of receipt of a copy of this judgment.

6. This O.A. is disposed of accordingly.

No costs.



(DR. A. VEDA VALLI)
Member (J)


(S.R. ADIGE)
Member (A)

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