

In the Central Administrative Tribunal
Principal Bench: New Delhi

OA No.2026/91

Date of decision: 12.01.1993.

Asstt. Commissioner of Police -
Moti Ram Gothwal

...Petitioner

Versus

Union of India through its
Secretary, Ministry of Home
Affairs, New Delhi & Others

...Respondents

Coram:-

The Hon'ble Mr. I.K. Rasgotra, Member (A)

For the petitioner

Shri Shankar Raju, Counsel.

For the respondents

Shri Harish Garg, proxy
counsel for Shri M.C. Garg,
Counsel.

Judgement(Oral)

Heard. The case of the petitioner, as put-forth by Shri Shankar Raju is that the petitioner was selected by the Union Public Service Commission (UPSC) as Grade-II Officer in 'Danics' and was appointed w.e.f. 31.3.1986 in the pay scale of Rs.650-1200 (pre-revised). Prior to joining the Danics he was working as Probationary Officer in the State Bank of Patiala. The grievance of the petitioner is that on joining Danics through UPSC he has not been given the benefit of Department of Personnel, Public Grievances and Pensions OM No.12/1/86Estt (Pay)-I dated 7.8.1989. The learned counsel states that although this order takes effect from the first of the month viz. 1.8.1989 in which this OM was issued the second interpretation of this OM is that it shall also protect the pay of the personnel who joined prior to issue of this order, as there is/no specific stipulation denying the benefit conferred on those who joined after 1.8.1989 compared to

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those who joined prior to that date. The learned counsel relies on the decision of the Supreme Court in Supreme Court Employees Welfare Association Vs. Union of India 1989 (V) SLR SC 3. In this case, according to the learned counsel the Supreme Court has held that where two interpretations of an order/executive instruction are possible, the one which is more beneficial should be adopted.

2. The respondents have taken the stand in their counter-affidavit that the petitioner joined as a direct recruit in Danics through the Civil Services (Main) Examination, 1984 and he was given appointment letter dated 31.3.1986. He joined the service on 2.7.1986. There is no specific recommendation by the UPSC at the stage at which he should be fixed in the pay scale of the post for which he was selected. As far as the OM of 7.8.1989 is concerned, a bare perusal of the same would clearly indicate that the said OM takes effect from the first of the month in which this OM is issued. There is no second interpretation which can be ascribed to this stipulation in the OM.

3. I have heard the learned counsel for the petitioner and perused the records carefully. Having regard to the language of the OM, I am not persuaded to accept the submission of the learned counsel for the petitioner that the said OM is amenable to two interpretations. There is no second interpretation which can be given on the plain reading of the provision in the said OM.

4. In the facts and circumstances of the case, the O.A. fails and is, accordingly dismissed. No costs.

San.


(I.K. RASGOTRA)
MEMBER(A)