

(10)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

O.A.3009/91

Date of decision: 16.12.92.

P.K.Tripathi

.. Applicant.

Versus

Union of India

.. Respondents.

Sh.T.C.Aggarwal

.. Counsel for the applicant.

Sh.M.L.Verma

.. Counsel for the respondents

CORAM:

The Hon'ble Sh.Justice Ram Pal Singh, Vice Chairman(J)

The Hon'ble Sh.I.P.Gupta, Member(A).

J U D G E M E N T (ORAL)

In this application the applicant has requested for extension of the benefits of Grade III and scale to the applicant from 1.1.73 as ordered by the Apex Court and the Tribunal vide their judgements dated 5.12.86 and 10.10.91. On 1.1.73 the applicants were working as Field Publicity Officers and they were in the C.I.S. IV Grade. The Third Pay Commission gave the pay scale of Rs. 650 - 1200 to Grade III Officers. However, they also observed having regard to the duties and responsibilities of Field Publicity Officers, that they should be given a higher pay scale compared to the other posts in the C.I.S. and recommended that these posts should be placed in Grade III of the service. The

contd...2

recommendations of the commission were implemented by the Ministry of Information and Broadcasting w.e.f. 1.10.75, while in the case of Field Publicity Officer (Border) it was ordered to take effect from 1.1.73. The Apex Court in the case of P.Parmeshwaran and Others Versus Union of India, held that it would not be open to the Government to deny the benefit of revised grade and scale w.e.f. 1.1.73 to some and grant to others on account of administrative difficulty. Thereafter the Government of India by their letter of 12.2.88 ordered that while the benefit has already been given to four petitioners before the Apex Court the benefit of revision of scale of pay from 1.1.73 instead of 1.10.75 should be extended to all similarly placed officers. Accordingly the respondents have given the revised scale from 1.1.73 to the applicants notionally.

2. The only point that was contended by the 1d. counsel for the applicant was that the observations of the Apex Court and the Tribunal in respect of similarly placed persons would clearly be indicative of the fact that the pay scales were to be given from 1.1.73 in reality and not notionally thereby enabling the applicants to get the arrears also.

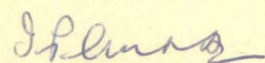
3. In the case of D.D.Mahapatra and others Versus Union of India O.A.1001/91 decided on 10.10.91, it was clearly laid down that the arrears should also be paid.

contd...3p...

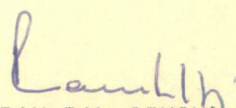
: 3 :

4. In the above view of the matter the applicants should be entitled to arrears also. It was clarified in that judgement that the pay commission had recommended the Field Publicity Officers to be placed in grade III on revision of pay scales as such and not on promotion.

5. The O.A. is thus disposed of with the direction to the respondents to pay the arrears to the applicants from 1.1.73. There is no order as to costs.


(I.P.GUPTA)

MEMBER(A)


(RAM PAL SINGH)

VICE CHAIRMAN(J)