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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
OA No. 3301/92

NEW DELHI THIS THE 3RD DECEMBER, 1993.

SHRI JUSTICE S.K.DHAON, VICE-CHAIRMAN(J)

Shri Nand Kumar.
S/o Shri Algu Ram(Late)
R/o Qr.No.754, Sector III,
R.K.Puram,
New Delhi ... Applicant

By Advocate Shri T.C.Agarwal.

versus

Union of India through
Secretary to the Govt.of India,
Ministry of Information & Broadcasting,
Shastri Bhavan, New Delhi ... Respondents

None for the respondents.

ORDER(ORAL)

Shri Justice S.K.Dhaon:

The applicant has claimed a limited relief. His grievance is that by letter dated 12.2.93 the Ministry of Information & Broadcasting has singled him out in the matter of refixation of his pay in accordance with the recommendations of the Third Pay Commission in so far as it has taken the view that the refixation of his pay is personal to him in the pay scale of Rs.650-1200 with effect from 1.1.1973.

2. I have gone through the papers as well as the counter-affidavit filed on behalf of the respondents. It appears that some Field Publicity Officers other than Field Publicity Officers(Border) agitated the question of the refixation of their respective pays with effect from 1.1.1973 in the Supreme Court as well as before the Tribunal. Those, ^{those} who went to the Supreme Court and/who came to the Tribunal have been given the benefit of the recommendations of the Third Pay Commission and their respective pays have been fixed with effect from 1.1.1973 for all practical purposes. No reason is discernible as to why the department has taken the stand that in the case of the applicant though the refixation of the pay would be from 1.1.1973, the same would be personal to him. The learned

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counsel for the applicant states that the expression "personal" is likely to be misunderstood and misapplied as against the applicant in future. It may be interpreted to mean that the refixation of the pay was confined to the actual payment and the same would not have any impact on the determination of the seniority etc. of the applicant. I make it clear that the applicant shall be treated on par with the other Field Publicity Officers whose pays have been refixed with effect from 1.1.1973 on the basis of the recommendations of the Third Pay Commission, in particular, the department should see to it that the applicant's case is not distinguished from those of Shri R.C. Panigrahi and Shri K.S.JaganNath Rao. The learned counsel has stressed that the applicant is entitled to the interest ^{at the rate of} ~~of~~ 10% for the delayed action in the matter of refixation of the pay of the applicant. It appears to me that the department did not move into the matter and it took the stand that the recommendations of the Third Pay Commission were confined to the Field Publicity Officers (Border). However, this contention of the department was not accepted by the Hon'ble Supreme Court when the matter was taken to it by some other Field Publicity Officers other than the applicant. The applicant did not choose to come to the Tribunal as in the case of R.C.Panigrahi and Shri K.S.JaganNath Rao. The applicant having remained inactive he cannot claim any interest. The department has acted quite fairly in allowing the benefit of the judgement of the Supreme Court in the case of R.C.Panigrahi and Sh.K.S.JaganNath Rao. Of course, the impugned rider of 'personal' has given rise to the present OA. The counsel urges that the applicant having approached this Tribunal before the aforesaid

communication dated 12.2.1993 of the Ministry of Information and Broadcasting, he is entitled to some interest. I am not inclined to accept this contention. I disallow the claim of interest.

3. On 22.10.1993, the departmental representative Shri Raj Kumar who appeared on behalf of the respondents prayed for time to engage another counsel. The record indicates that no other counsel has been engaged so far. The case has been called in the revised list. Neither the departmental representative nor any counsel representing the respondents is present.

4. This application is disposed of with the aforesaid directions. There shall be no order as to costs.

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(S.K.DHAON)
VICE-CHAIRMAN(J)

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