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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 395/92

DECIDED ON : September 23, 1992

Suresh Chopra

... Applicant

Vs.

Foreign Secretary, Government of
India

... Respondent

CORAM : THE HON'BLE MR. T. S. OBEROI, MEMBER (J)
THE HON'BLE MR. P. C. JAIN, MEMBER (A)

Applicant in person

Shri P. P. Khurana, Counsel for Respondent

J U D G M E N T (ORAL)

Hon'ble Shri P. C. Jain, Member (A) :

The grievance of the applicant in this case relates to refusal of his request for being treated as equivalent to a Counsellor for purposes of payment of foreign allowance.

2. The case of the applicant is that when he was working as Joint Director, Directorate of Field Publicity under the Ministry of Information and Broadcasting, Government of India, he was selected for appointment as All India Radio's Special Correspondent at Islamabad (Pakistan) which charge he assumed on 28.8.1989. At that time he was drawing a basic pay of Rs.5000/- in the scale of Rs.3700-5000/- and in accordance with the relevant instructions he was equated with that of a First Secretary and his foreign allowance was fixed accordingly. However, by order No. 270/89-CIS dated 29.11.1989 issued by the Ministry of Information and Broadcasting, Government of India (copy at pages 12-13 of the paperbook), he along with thirty others was appointed to officiate in the Selection Grade (Non-functional) in the pay scale of Rs.4500-150-5700 of the Indian Information Service

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Group 'A' w.e.f. 1.1.1986. It is contended that in accordance with the Ministry of External Affairs orders dated 15.7.1987 (copy at pages 9-11 of the paperbook) as modified by the same Ministry's order dated 16.2.1989 (Annexure R-2 to the rejoinder filed by the applicant) he became entitled with effect from the date of his joining at Islamabad to being declared as a Counsellor inasmuch as for such equivalence the officer was required to draw pay in the scale of Rs.4500-150-5700/- in case ^{his} the pay was Rs.4800/- per month and above. He has filed a copy of letter dated 2.1.1990 (Annexure R-3 to the rejoinder) according to which it has been certified that the applicant's basic pay on 28.8.1989 (the date of his joining his post at Islamabad) was Rs.4950/- in the scale of Rs.4500-150-5700. These facts are not in dispute.

3. The respondents have contested the O.A. by filing their return to which a rejoinder has also been filed by the applicant. We have perused the material on record and also heard the applicant who appeared in person as also the learned counsel for the respondents. As the pleadings in this case are complete, with the consent of the parties, the case is being disposed of finally at the admission stage itself, particularly in view of the statement of the applicant that his tenure at Islamabad has already come to an end but his successor is yet to join.

4. The case of the respondents, very briefly stated, primarily rests on the contention that the applicant has not been given the scale of Rs.4500-150-5700/- on promotion and as such, he is not entitled to the equivalence with Counsellor as claimed by him. However, we do not find from any material placed on record and have also not been shown

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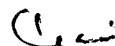
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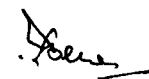
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otherwise that the applicant would be entitled to the benefit of equivalence on the basis of drawing pay in a particular scale and at a certain level only if he gets the pay in that scale consequent to his promotion from a lower post to a higher post. But what is relevant is that the applicant was entitled to pay in the scale of Rs.4500-150-5700/- on the date on which he assumed charge of the post at Islamabad and that his pay in that scale was Rs.4800/- per month or above, if he is to be treated as equivalent to Counsellor for purposes of rate etc. of the foreign allowance. This condition is shown to have been fulfilled by the applicant.

5. In the O.A., the applicant has claimed "all the benefits due to him in the Counsellor's rank." However, the averments in the pleadings and the material placed on record are only with reference to payment of foreign allowance and, therefore, this O.A. can be allowed only in respect of payment of foreign allowance. The applicant also submitted in the course of oral hearing that he would not press for any other benefit.

6. In the light of the foregoing discussion, the O.A. is partly allowed in terms of the directions that the applicant is entitled to the foreign allowance w.e.f. 29.8.1989 treating him equivalent to a Counsellor subject to conditions applicable to such payment, and he shall be paid the arrears on this account before he is relieved of his assignment at Islamabad. No costs.


(P. C. Jain)
Member (A)


(T. S. Oberoi)
Member (J)

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