

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00560-00563/2018

DATED THIS THE 28TH DAY OF JUNE, 2019

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C.V. SANKAR, MEMBER (A)

1. Sri George M.,
Aged about 72 years,
S/o Late M. Abel,
Earlier working as U.D.C. in
Central Silk Board, Bangalore,
Since retired from service
And R/a. No. 428, 6th Main,
6th Cross, M.S.R. Nagar,
Mathikere,
Bangalore 560 054
Karnataka

2. Sri V.G. Patil,
Aged about 72 years,
S/o Late Ganesh,
Earlier working as U.D.C. in
N.S.S.O. Central Silk Board, Bangalore,
Since retired from service
And R/a. No. 1064, C.T.S. Number 5625,
Section No. 6/1, Shrinagar,
M.M. Extension,
Belgaum 590 017,
Karnataka

3. Sri B. Basavaraju,
Aged about 66 years,
S/o Late Basavaiah,
Earlier working as Assistant, C.S.T.R.I.,
Central Silk Board, Bangalore
Since retired from service
And R/a No. 5, 5th Cross,
Vidyanagara,
Kollegal Town,
Chamarajanagar District 571 440,
Karnataka

4. Sri S.K. Kunju,
 Aged about 71 years,
 S/o Late K.K. Samuel,
 Earlier working as U.D.C., CSTRI
 Central Silk Board, Bangalore
 Since retired from service
 And R/a No. 26, 2nd Cross,
 C.S.B. Layout, Kasavanahalli,
 Carmelram Post, Sarjapur Road,
 Bengaluru 560 035
 Karnataka

..... Applicants

(By Advocate Shri V.S. Naik)

Vs.

1. Government of India,
 Ministry of Textiles,
 Udyoga Bhavan,
 New Delhi 110 011
 By its Secretary

2. The Member Secretary,
 Central Silk Board,
 Ministry of Textiles
 Government of India
 BTM Layout, Madiwala,
 Bangalore 560 068

3. The Joint Director (Admn),
 Central Silk Board
 C.S.B. Complex,
 B.T.M. Layout, Madiwala
 Bangalore 560 068

4. The Deputy Director (Admn & Accts)
 Central Silk Board,
 C.S.B. Complex,
 B.T.M Layout, Madiwala,
 Bangalore 560 068

5. The Deputy Director (A&A),
 National Silkworm Seed Organization,
 Central Silk Board,
 C.S.B. Complex,
 B.T.M. Layout, Madiwala,
 Bangalore 560 068

6. The Director,
C.S.T.R.I.,
Central Silk Board,
C.S.B. Complex,
B.T.M. Layout, Madiwala,
Bangalore 560 068Respondents

(By Shri Vishnu Bhat, Senior Panel Counsel for Respondent No. 1 to 6)

O R D E R (ORAL)
(HON'BLE DR. K.B. SURESH, MEMBER (J))

Heard. Both sides agree that the matter is covered by our order in OA No. 170/00768-810/2018 dated 02.04.2019 which we quote:

“ORDER (ORAL)
HON’BLE DR K.B.SURESH, MEMBER (J)

Heard. The matter is in a very small compass. The issue is between the promotees and direct recruits. Promotees on the way had acquired more than the requisite number of minimum career enhancement as dictated by the Hon'ble Apex Court. Then they came into a particular pay scale. To this pay scale direct recruits were also appointed and then in course of time, after 10 years they got their 1st MACP because they had not been given a promotion. Therefore, some of them had outpaced the promotees in the scale of pay as they were direct recruits who were on equivalent pay scale but now granted addition of ACP or MACP as the case may be. Therefore, on the basis of the representation the department held that the promotees were also eligible for the same benefit. It appears to us that may be the Member Secretary was little bit more liberal than warranted but applicant and others had been enjoying this benefit for more than 5 years and most of them are on the verge of their retirement now. They will come under the protective umbrella of the Whitewasher judgment of the Hon'ble Apex Court. There can be a future modification of pay scale and the pension. But what has been granted to them already cannot be taken away from them and cannot be recovered at all.

Therefore we will now declare that there cannot be any recovery but the revised pay scale if it had been made after giving an opportunity will rule the field. If they have not been heard, the respondents will issue them individual notices, hear them on this matter and fix their pay scale in accordance with law. OA is disposed of as above. No order as to costs."

2. Therefore, only to the same limited extent, this OA is also allowed. No order as to costs.

(C.V. SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00560-00563/2018

Annexure-A1: Copy of the Pension Payment Order dated 28.02.2006
Annexure-A2: Copy of the intimation dated 16.05.2016
Annexure-A3: Copy of the representation dated 01.09.2016
Annexure-A4: Copy of the intimation dated 24.04.2018
Annexure-A5: Copy of the Pension Payment Order dated 16.09.2013
Annexure-A6: Copy of the intimation dated 16.05.2016
Annexure-A7: Copy of the representation dated 20.10.2016
Annexure-A8: Copy of the intimation dated 08.05.2018
Annexure-A9: Copy of the Pension Payment Order dated 03.08.2012
Annexure-A10: Copy of the intimation dated 16.05.2016
Annexure-A11: Copy of the intimation dated 24.05.2018
Annexure-A12: Copy of the Pension Payment order dated 25.04.2007
Annexure-A13: Copy of the intimation dated 16.05.2016
Annexure-A14: Copy of the representation dated 16.09.2016
Annexure-A15: Copy of the intimation dated 24.05.2018
Annexure-A16: Copy of the OM dated 02.03.2016

Annexures with Reply Statement

Annexure-R1: Copy of the DoPT OM dated 09.08.1999
Annexure-R2: Copy of the DoPT OM dated 02.03.2016
Annexure-R3: Copy of the DoPT OM dated 06.02.2014
Annexure-R4: Copy of the Ministry of Textiles communication dated 24.03.2014
Annexure-R5: Copy of the Office Note dated 12.05.2017

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