

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

(W)

Original Application No. 1191 of 1988

S. Ganeshan : : : : : Applicant

Versus

Union of India and Others. : : : : : Respondents

Hon'ble Mr. Maharaj Din, Member (J)  
Hon'ble Miss Usha Sen, Member (A)

( By Hon'ble Mr. Maharaj Din, Member 'J' )

The applicant has filed this application seeking the relief to quash the order of the respondents dated 23.6.1988 by which the representation of the applicant for payment of pay and allowance in the senior time scale of the Indian Defence Accounts Service and revision of pensionary benefits has been rejected. It has been further prayed that the respondents be directed to accord the senior time pay scale (Rs.1100-1600) w.e.f. 01.1.73 with difference of arrears.

2. The applicant was promoted to the post of Assistant Controller of defence accounts w.e.f. 23.12.1971 in the time pay scale of Indian Defence Accounts Service (herein after referred to as I.D.A.S). The applicant from the date of his promotion viz. 30.4.1978 worked as senior grade officer on recommendation of 3rd pay commission the time pay scale of I.D.A.S. was bifurcated w.e.f. 01.1.73 into two grades viz senior time scale (Rs.1100-1600) and junior time

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scale (700-1300) vide notification (Annexure-3), the regular officers of I.D.A.S. were given a senior time scale of (Rs.1100-1600) w.e.f. 01.1.73 whereas the applicant was given different pay scale of (Rs.1100-1500) w.e.f. 01.1.73 prescribed separately for A.C.D.A. (Annexure-4 and 5). The applicant has not been given senior time scale as given to other similar I.D.A.S. post officer. Hence, he has approached this Tribunal seeking the relief mentioned as above.

3. The respondents filed counter-reply and resisted the claim of the applicant mainly on the ground that the promotion of the applicant as Assistant Controller of Defence Accounts was temporary and it was not made to the I.D.A.S. grade so, he has not entitle to get the pay scale of Rs1100-1600.

4. We have heard the learned counsel for the parties and perused the record.

5. It is not disputed that the applicant was working as permanent Account Officer in the office of Controller of Defence Accounts was promoted w.e.f. 23.12.1971 as Assistant Controller of Defence Accounts (A.C.D.A) in a vacant post as is also evident from Annexure-1 and Annexure-2 which are letter of promotion and appointment in the time scale of Indian Defence Account Service. The promotion of the applicant was made accordingly w.e.f. 23.12.1971 alongwith one Sri N.G. Dhawlikar. The applicant's name appeared

in the seniority list at sl.no.17 where as the name of Sri N.G. Dhawlikar is mentioned at sl.no.24 and both of them were appointed as A.C.D.A. in the afternoon of 23.12.1971. Sri N.G. Dhawlikar filed an application before this bench of Allahabad Tribunal which ~~were~~ <sup>was</sup> registered as O.A.No. 1192/88 (N.G. Dhawlikar Vs. Union of India & Others) decided on 10.8.90 by the bench consisting of Hon.Mr. Justice Kamleshwar Nath (Vice Chairman) And Hon.Mr. K.G. Raman (Member 'A'). Sri N.G. Dhawlikar filed said application seeking the relief of direction to the respondents to accord the senior time pay scale of Rs.1100-1600. In the said case it has been clearly held that there is no rational in according a lower pay scale of Rs.1100-1500 to the applicant who was appointed to work and discharge the function of the post which carried higher pay scale of Rs.1100-1600. It has been further observed that it was a case of an appointment to the higher post and makes absolutely no difference, whether the appointment was temporary, adhoc or regular. While taking this view, the reliance has been placed in a decision given by Bangalore bench of Tribunal in O.A.No.672/86 M.V. Narain Swamy Vs. Union of India and Others decided on 20.1.1987 (Annexure A-6). Thus the matter in issue raised in this case <sup>is</sup> ~~has~~ squarely covered by the earlier decisions (Supra) <sup>of</sup> Administrative Tribunals and the application of the applicant deserves to be allowed.

6. The application is accordingly allowed with the direction that the respondents shall give



the pay scale of Rs.1100-1600 to the applicant w.e.f. 01.1.1973 and shall also pay the difference of arrears admissible to the applicant till the date of his retirement on 30.4.1978 and shall accordingly revise the pensionary benefits on that basis. The respondents shall comply with the direction of this Tribunal within a period of 4 months from the date of communication of this order.

Uddhav  
Member (A)

Shivaji  
Member (J)

Allahabad, Dated 4th May, 1994  
/M.M./