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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH : CUTTACK.

Original Application No.173 of 1986,  
1 of 1987 & 24 of 1987.

Date of decision : June 27,1988.

In O.A.173 of 1986:

K.Udaya Varma, son of late R.Kerala  
Varma, Assistant Store Keeper, Zonal  
Office, Malkangiri, District-Koraput,  
PIN 764 048.

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Applicant.

In O.A.1 of 1987 : Varughese Philips, son of  
M.K.Varughese, Lower Division Clerk,  
Zonal Office, Malkangiri, District-  
Koraput, Orissa, PIN-764 048

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Applicant.

In O.A.24 of 1987. : Hari Pada Das, son of late A.C.Das,  
Storekeeper (Selection Grade) Zonal Office,  
Malkangiri, District-Koraput (Orissa)  
PIN 764 048.

...

Applicant.

Versus

In O.A.173/86,  
1/87 & 24/87.

1. Union of India, represented by its  
Secretary, Department of Internal  
Security, Rehabilitation Division,  
Jaisalmer House. Mansingh Road,  
New Delhi-11.

2. Chief Administrator, Dandakaranya  
Project, Project Headquarters,  
Koraput (ORISSA) -764020.

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Respondents.

For the applicants ...

Mr.A.K.Mohapatra, Advocate.

For the respondents ...

Mr.A.B.Mishra, Senior Standing  
Counsel (Central).

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C O R A M :

THE HON'BLE MR.B.R.PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR.K.P.ACHARYA, MEMBER (JUDICIAL)  
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1. Whether reporters of local papers may be allowed to  
see the judgment ? Yes.
2. To be referred to the Reporters or not ? NO.
3. Whether Their Lordships wish to see the fair copy of the  
judgment ? Yes.

J U D G M E N T

K.P.ACHARYA, MEMBER (J)

All these applications under section 19 of the Administrative Tribunals Act, 1985, have been filed by different applicants with a prayer to give each of them the enhanced pay scale than the pay scale which has been given by the authorities of the Dandakaranya Development Project.

2. All these three cases were separately heard but this common judgment would govern all the cases as they involve similar questions of fact.

3. Shortly stated the case of the applicant in O.A.173 of 1986 is that he had joined as Assistant Store Keeper on 11.10.1965 and the Third Pay Commission report was given effect to on 1.1.1973. At the time when the applicant was appointed to such a post he was allowed the pay scale of Rs.110-180/-. Now he claims the pay scale of Rs.300-560/- against the revised pay scale of Rs.260-400/- as recommended by the Third Pay Commission. The pay scale of Rs.260-400/- is being given to the present applicant.

In O.A. 1 of 1987 the case of the applicant is exactly the same as that of the applicant in O.A.173 of 1986.

So far as the applicant in O.A.24 of 1987 is concerned, the applicant was initially appointed as an Assistant Store Keeper on 22.12.1963 on a pay scale of Rs.110-180/- which was revised to a pay scale of Rs.260-400/- after 1.1.1973 i.e. the report of the Third Pay Commission having been given effect to. On 19.7.1977 the applicant was promoted to the post of Store Keeper on a pay scale of

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Rs.330-560/- and on 30.8.1983 the applicant having been promoted to the post of Store Keeper (Selection Grade), was allowed to draw the pay scale of Rs.425-600/- with effect from the said date. The applicant now claims to receive the pay scale of Rs.425-600/- while he was promoted to the post of Store Keeper.

4. In their counter, the respondents maintained that no illegality has been committed in giving the pay scale of Rs.260-400/- to the Assistant Store Keeper and so far as O.A. 24 of 1987 is concerned the stand taken by the respondents is that the pay scale of Rs.425-600/- has been prescribed for Level III officer in the rank of Store Keeper i.e. Selection Grade post. While the applicant was promoted to Level II Store Keeper, he was entitled to pay scale of Rs.330-560/- which was given to him and in view of the recommendation of the Third Pay Commission the applicant is not entitled to a pay scale of Rs.425-600/- as level II Store Keeper.

5. Mr. A.K. Mohapatra, learned counsel for the applicant urged before us that the applicant having joined in the post of Assistant Store Keeper in the pay scale of Rs.110-180/- and the post of Assistant Store Keeper in other departments having been given pay scale of Rs.330-560/-, the applicant is entitled to such a pay scale even through he is Assistant Store Keeper. Learned Senior Standing Counsel (Central) invited our attention to the contents of Annexure-R/3 (O.A.173 of 1986). At paragraph 28 of the report the Commission observed as follows :

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" In the establishments under the Ministries other than those of Defence and Railways, most of the posts of storekeepers can be given the revised scales according to the pattern recommended above. There are, however, a few posts in the storekeeping group in the other Ministries which are borne on the standard scales provided for the clerical staff. Considering the small number of such posts as also the fact that these are generally filled by transfer or promotion of staff in the clerical grades, we recommend that these posts should be given the appropriate revised scales recommended by us for the corresponding clerical categories. For the remaining posts indicated below which are borne on odd scales of pay, we recommend appropriate Storekeepers scales as shown against each."

On a reference to paragraph 27 it would be found that for Level I post the Commission has recommended the pay scale of Rs.260-400/-. Admittedly the applicants in O.A.173 of 1986 and O.A.1 of 1987 are in the post of Assistant Store Keeper namely in Level I. In such circumstances, we find no illegality to have been committed by the Dandakaranya Development Authority in giving the pay scale of Rs.260-400/- to the applicants in O.A.173 of 1986 and O.A.1 of 1987.

6. As regards O.A.24 of 1987 we would find that the Selection Grade post necessarily comes within Level III and the prescribed pay scale is Rs.425-600/-. The applicant came to level III post on 30.8.1983. Therefore, it is far beyond our comprehension as to how the applicant could be eligible to get the pay scale of Rs.425-600/- when he was in the post of Storekeeper Level II to which post he was promoted admittedly on 19th July, 1977. In our opinion the applicant in this case is not entitled to the relief claimed.

7. In view of the aforesaid discussions, we find

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no merit in these three petitions, which stand dismissed leaving the parties to bear their own costs.

*Sarangi*  
27.6.88  
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Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

*I agree.*



*B.R. Patel*  
27.6.88  
.....  
Vice-Chairman

Central Administrative Tribunal,  
Cuttack Bench, Cuttack.  
June 27, 1988/S.Sarangi.

D.A. 173/  
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PL. 173/  
18/11/86  
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