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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, : CUTTACK.

ORIGINAL APPLICATION NO:350 OF 1987

Date of decision: 26th October, 1990

Maheswar Sahoo

.... Applicant

-Versus-

Union of India and others

..... Respondents

For the applicant

: M/s. Ashok Mohanty,
Sashi Das,
Sisir Das,
B.K.Bal, Advocate

For the Respondents

: Mr. Tahali Dalai, learned
Additional Standing
Counsel (Central)

C O R A M:

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

A N D

THE HON'BLE MR. N.SENGUPTA, 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 ?
 3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.
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J U D G M E N T

B.R. PATEL, VICE-CHAIRMAN The facts, briefly stated are that the applicant was appointed as a Physical Training Instructor Junior (P.T.I. Junior) under Dandakaranya Project on 22.6.1982 in the scale of pay of Rs. 260-400/- vide Annexure-1. He joined the post on 3.7.1982. Consequent, upon the implementation of the Central Civil Services (Revised Pay) Rules, 1986 as per the recommendation of 4th Pay Commission, the applicant was brought into the corresponding scale of Rs. 950-1500/- with effect from 1.1.1986 vide Annexure-4. He has requested the Tribunal to direct the Respondents to fix his salary in the scale of Rs. 330-560/- from the date of his appointment and fit him into the scale of pay of Rs. 1200-2040/- from 1.1.1986 and to pay him the differential amount. Consequent upon his surrendered^{has} to the Central Surplus Cell with effect from 31.8.1986 he has been redeployed in the office of the Deputy Collector (P&E), Central Excise, Bhubaneswar having been relieved from the Dandakaranya Project on 21.12.1987.

2. The Respondents have maintained in their counter affidavit that in the Dandakaranya Project there were two grades of Physical Training Instructors- one grade carrying a scale of pay of Rs. 380-640/- for

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which minimum qualification prescribed was graduation and the other grade which was P.T.I. Junior carrying a scale of pay of Rs. 260-400/- was fixed by the 3rd Pay Commission prior to which the scale of pay was Rs. 115-180/-.

The corresponding pay recommended by the 4th Pay Commission was Rs. 950-1500/- and the applicant's pay has been rightly fixed at Rs. 1030/- in the scale of Rs. 950-1500/-. They have further pleaded that as his pay was fixed on 15.12.1986, the case was barred by limitation under Section 20 of the Administrative Tribunals Act, 1985. (herein after referred to as the ^{which} Act). Relying on Annexure-3 ^{AM} is a copy of the letter dated 27.7.87 issued by the Assistant Executive Officer (Headquarters) Malakanagiri. Mr. Ashok Mohanty the learned Counsel for the applicant has contended that the application is well within the provision of ~~the~~ Act. We have noticed that the application was filed on 30.11.1987 which is within the one year from the rejection of the applicant's representation (Vide Annexure-3). Mr. Tahali Dalai, the learned Additional Standing Counsel (Central) for the Respondents has contended that "The existing relatives or parities" mentioned in para-7 of chapter 20 of the report of the 3rd Pay Commission refers to the relativity or parity within the organisation itself and not to any other Establishments or Departments and since the graduate P.T.I. ^{is} ~~get~~ [^] a scale of pay of Rs. 380-640/-, the P.T.I. Junior with Matriculation qualification cannot be allowed a pay scale of Rs. 330-560/-. He drew our attention in this connection to the Recruitment Rules copies of which are Annexures R/1 and R/2 where

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educational qualifications and other details are furnished. Mr. Mohanty submitted that a similar case has been decided by this Bench on 31st August, 1989 in the case of Ranjit Das Vs. Union of India and another in Original Application No. 348 of 1987. On going through this judgment we have found that not only the facts but also the pleadings are identical in both the cases. The judgment in O.A. No.348 of 1987 therefore, would squarely apply to the case before us. In O.A. No.348 of 1987 the single Member has observed as follows:

" In view of this , I am firmly of the opinion that the pay scale of the applicant who was a Physical Training Instructor (Junior) should be revised upward to the level of Rs. 330-560/- with effect from 5.7.1982 when he accepted the offer of the D.D.A. conveyed in their order No. 35/SED/PTI/81/4180-84 dated 22.6.1982 and joined the post of Physical Training Instructor (Junior)".

In the present case the Dandakaranya Development Authority (D.D.A) sent the offer of appointment as P.T.I. Junior to the applicant vide its letter No.35/SED/PTI/81/4177-79 dated 22.6.82 (vide Annexure-1) which he accepted on 5.7.82 as has been mentioned above. We therefore, direct that the applicant should be given the pay scale of Rs. 350-560/- with effect from the date he joined the post of P.T.I. Junior.

[Signature]

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3. The application is accordingly allowed,
leaving the parties to bear their own costs.

[Signature]
26.10.90
MEMBER (JUDICIAL)



[Signature]
26.10.90
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack/K. Mohanty.