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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 473 OF 2003
Cuttack this the 11th day of Jan./ 2005

Lokanath Mishra & Another ... Applicants

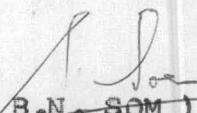
- VERSUS -

Union of India & Others ... Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? *NO*
2. Whether it be circulated to all the Benches
of the Central Administrative Tribunal or not ? *NO*


(M.R. MOHANTY)
MEMBER (JUDICIAL)


(B.N. SOM)
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.473 OF 2003
Cuttack this the 11th day of January 2005

CORAM:

THE HON'BLE SHRI B.N. SOM, VICE-CHAIRMAN
AND
THE HON'BLE SHRI M.R. MOHANTY, MEMBER(JUDICIAL)

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1. Lokanath Mishra, aged about 47 years, S/o. late Babaji Mishra, at present working as Superintendent, O/O the Commissioner-I Central Excise and Customs, C.R. Building, Bhubaneswar-751007, Dist. Khurda
2. Subhendu Mohanty, aged about 35 years, S/o. Sri Pramod Kumar Mohanty, at present working as Inspector, O/o the Commissioner-I Central Excise and Customs, C.R. Building, Bhubaneswar-751007, Dist. Khurda

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Applicants

By the Advocates

M/s. A.K. Mishra
J. Sengupta
P.R.J. Dash
D.K. Panda
G. Sinha

- VERSUS -

1. The Union of India represented by its Secretary, Ministry of Finance and Company Affairs, Department of Revenue, North Block, New Delhi-110001
2. Secretary to Government of India, Ministry of Finance and Company Affairs, Department of Expenditure, North Block, New Delhi-110001
3. The Chairman, Central Board of Excise and Customs, North Block, New Delhi-110001

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Respondents

By the Advocates

Mr. U.B. Mohapatra, SSC

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O R D E R

MR. B.N. SOM, VICE-CHAIRMAN: Shri Lokanath Mishra and another had filed this Original Application seeking the following reliefs :

" It is respectfully prayed that the Hon'ble Tribunal may be pleased to direct the Respondents to grant the pay scale of

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(a) Rs.6500-10,500/- w.e.f. 01.01.1996 and (b) Rs.2000-32000/- w.e.f. 01.01.1986 to the cadre of Inspector of Central Excise and the pay scale of Rs.700-900/- w.e.f. 01.01.1980 to the cadre of Inspector (Senior Grade) of Central Excise, duly granting all the consequential relief with arrears of pay and interest and be pleased to pass such other and further order or orders as this Hon'ble Tribunal may deem fit and proper. However, in the circumstances of the case and in the interest of justice, this Hon'ble Tribunal, if consider that the cadre of Inspector of Central Excise is entitled for the pay at par with the upgraded pay scale of the Cadre of Asst. Audit/Accounts Officer of Organised Accounts Department w.e.f. 01.01.1996, then this Hon'ble Tribunal may be pleased to pass such other and further order or orders as they may consider deem fit and proper".

2. In the Original Application the applicants have sought to make out a case for revision of pay scales of the Inspectors of Central Excise and Customs at par with the pay scales granted to Asst. Audit/Accounts Officers of the Organised Accounts Department with effect from 1.1.1986/1.1.1996 and also that of the pay scales granted to the Inspectors of C.B.I. They have also relied on the decision of the Coordinating Bench of this Tribunal (Jabalpur Bench) in O.A.No.45/2000 in support of their case for restructuring of the pay scales of Inspectors of Central Excise and Customs at par with their counter part in CBI/IB. They have also made good use of the High Power Committee, which was set up by the Government to go into the demand for parity in pay scales between the Inspectors of Central Excise and Customs and their counterpart in Audit and Accounts Department as well as CBI/IB.

3. The Respondents by filing a detailed counter had opposed the O.A. They had also cited the decision of the Coordinating Bench of this Tribunal (Mumbai Bench) in O.A.Nos.454/02 and 429/02 in support of their contention.

4. We have also heard the learned counsel of both the sides.

5. However, the entire controversy comes to a close as the Respondents, by filing a Misc.Application No.497/04 have brought to our notice the orders issued by the Department of Revenue, Ministry of Finance, bearing F.No.A-26017/65/2003-Ad.II-A(Pt.) dated 11.5.2004 (Annexure-R/2), by virtue of which the pay scales of the Inspector of Central Excise and other post holders' pay scales have been upgraded from the existing scale of Rs.5500-9000/- to 6500-10,500/- by bringing parity with the pay scales of Inspectors of CBI/Asst. Audit/Account Officers. With the promulgation of this order dated 11.5.2004, the expectation/aspiration of the applicants been has since/set at rest and therefore, there remains nothing more for being adjudicated in this O.A.

6. The learned counsel for the applicant, in course of his submission repeatedly urged before us that whereas their grievance is that the pay scales so revised should be given effect from 1.1.1986/1.1.1996, the said order revising the pay scales having made effective only with effect from 21.4.2004, the applicants should be given liberty to represent before the Respondents with regard to the date for implementation of the revised pay scales. We are not inclined to

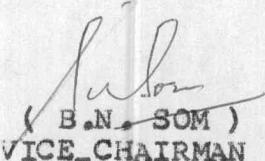
express any opinion on this aspect of the matter.

It is the applicants, who are to findout the remedies available to them under the relevant service rules to ventilate their grievance, if any, before the authorities competent in the Department in this regard.

The O.A. is disposed of for having become infructuous. No costs.


(M.R. MOHANTY)
MEMBER(JUDICIAL)

BJY


(B.N. SOM)
VICE-CHAIRMAN