

O.A. No.547/2006

ORDER DATED 25th JUNE, 2009

Coram:

Hon'ble Mr. Justice K. Thankappan, Member (J)
Hon'ble Mr. C.R. Mohapatra, Member (A)

Heard Ms. C. Padhi, Ld. Counsel for the applicant
and Mr. S.S. Mohanty, Ld. Counsel for the Respondents.

2. The applicant, who is now working as APFC in Employees Provident Fund Organisation (in short "EPFO"), has approached this Tribunal praying that the Respondents may be directed to revise the pay scale of the applicant to the scale of Rs.6500-10,500/- which is applicable to the officers drawing corresponding scales of pay. The claim of the applicant is on the basis that after the introduction of the 5th Central Pay Commission the scale of pay for the post of EO/AAO and Superintendent (Central Office) was revised from Rs.1640-2900/- to Rs.5500-9000/-. On the basis of order of the Govt. of India, Department of Expenditure (Implementation Cell) OMF No.6/37/98-IC dated 21.04.04, the pay scale of the post of Inspector of Central Excise and Post of Inspector Customs carrying the scale of Rs.5500 - 9000/- was revised to 6500 - 10,500/- w.e.f. 21.04.04. On the basis of the above order the applicant has already applied to the EPFO, for granting him pay scale of Rs.6500-10,500/- since Section 5-D(7) of the

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Employees' Provident Funds and Miscellaneous Provisions Act, 1952 provides that the pay of the employees of the EPFO shall be specified by the Central Board in accordance with the Rules and orders applicable to the officers and employees of the Central Government drawing corresponding scales of pay.

3. On these averments and relying on some of the letters of the Govt. of India, the O.A. has been filed. The O.A. has been admitted by this Tribunal. In pursuance of the notice issued to the Respondents, a counter has been filed for and on behalf of the Respondents in which it is stated that in the matter of revision of pay scale, the analogy with Inspector of Central Excise/Inspector of Income Tax cannot be drawn as Central Board of Trustees has set up its own Study Committee to review the pay scale and the report of the Committee (XLRI report) is under consideration. The pay scale of the applicant and similarly placed persons, on the basis of the above report, has now been fixed by the EPFO and hence the claim of the applicant is baseless.

4. The claim of the applicant is based on Section 5-D(7) of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, which reads as below:-

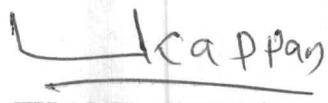
“According to the Provisions of Section 5-D(7) of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 the salaries and allowances and other conditions of services of employees of Central Board shall be such as may

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be specified by the Central Board of Trustees, Employees Provident Fund."

In the counter it is stated that a Committee was constituted for revision of pay scales of the employees of EPFO and on the basis of the recommendation of the Committee, the Central Board of Trustees revised the pay scales, of the employees of EPFO. If so, the analogy the applicant made with that of the pay scale of Central Excise Inspectors cannot be applicable to case of the applicant. Though the applicant had relied on certain letters of the Finance Ministry, there is no other material to hold that the said letters have any impact on the issue. We are of the view that unless and until further materials are produced, we are not in a position to hold that the applicant is right in approaching this Tribunal praying for the relief as claimed in the O.A. We find that there is no merit in the application and the application stands dismissed. No costs.


(C.R. MOHAPATRA)
ADMN. MEMBER


(K. THANKAPPAN)
JUDICIAL MEMBER