

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.574 & 583 of 2006
Cuttack, this the 14th day of July, 2009

S.N.Samal & Anr. Applicants
Versus
Union of India & Ors. Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not?
2. Whether it be circulated to all the Benches of the CAT or not?

(JUSTICE K.THANKAPPAN)
MEMBER (JUDICIAL)

(C.R.MOHAPATRA)
MEMBER (ADMN.)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A.Nos.574 & 583 of 2006
Cuttack, this the 14th day of July, 2009

C O R A M:

THE HON'BLE MR.JUSTICE K.THANKAPPAN, MEMBER (J)
A N D
THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

.....

OA No.574 of 2006

Surendranath Samal, aged about 59 years, S/o.Late B.B.Samal at present working as Commandant (Ord.) at Aviation Research Centre, Charbatia, Choudwar, Dist. Cuttack.

.....Applicant

Advocate for Applicant: M/s. C.Ananda Rao, Arun Kumar Rath, Sarat Kumar Behera.

-Versus-

1. Union of India represented by Cabinet Secretary, Cabinet Secretariat, Bikanir House (Annexe), Sahajahan Road, New Delhi.
2. Director General Security of Cabinet Secretariat, Office of Block-V (East), R.K.Puram, New Delhi-110066.
3. Special Secretary, ARC Head Quarters, East Block-V, R.K.Puram, New Delhi.
4. Deputy Director (Admn.) ARC, Charbatia, District-Cuttack.

....Respondents

Advocate for Respondents: Mr.R.C.Swain.

O R D E R

Per-MR.C.R.MOHAPATRA, MEMBER (A):-

While Shri Surendranath Samal, Applicant in OA No. 574 of 2006 was still in service as Commandant (Ord), Shri S.A.Ganesan, Applicant in OA No. 583 of 2006 retired from service on reaching the age of superannuation while working as Commandant in the Aviation Research Centre, Charbatia by the time these OAs were filed. Their contention in the Original Applications is that on their regular promotion they were performing the duties of Assistant Commandant (Ord.) in ARC Charbatia w.e.f. 13.10.1997. Prior to their promotion i.e.

w.e.f. 1.1.1996, as per the recommendation of the 5th Pay Commission the pay scale of SFOs, ATOs and Assistant Commandants of the ARC was made at par and while the SFOs and ATOs scale of pay was revised from Rs.6,500-10,500/- to Rs.8000-13,500/- retrospectively w.e.f. 1.1.1996, the said revised pay was paid to the Applicants only w.e.f. 22.07.2004. According to them, being aggrieved by such action of the Respondents they made representations which were forwarded by the ARC, Charbatia with recommendation to review the effective date from 22.7.2004 to 13.10.1997 and to pay the arrears of differential dues to the Applicant, till the filing of these OAs. There being no progress in the matter, they have approached this Tribunal. Their prayer in these OAs is as under:

- “(i) The Respondents be directed to modify the order vide Annexure-1 by changing the date of effect of the benefit of revised pay scale Rs.8,000-13,500/- w.e.f. 22.7.2004 to 13.10.1997 within a reasonable time.
- ii. The respondents be directed to pay the differential arrear salary accrued out of the change of date of effect of revised pay scale within a reasonable time with interest and costs;
- iii. The respondents be directed to revise the pensionary benefits in calculating the revision of pay w.e.f. 13.10.1997 instead of 22.7.2004.
2. It is the contention of the Applicants in support of the above prayer that though the 5th Pay Commission has recommended the scale of pay of SPOs and ATOs of ARC at par with the Assistant Commandant which was revised to Rs.8, 000-13,500/- and paid to them w.e.f. 1.1.1996, the said benefit was only granted to the Applicant w.e.f. 22.07.2004 though they were promoted to the grade of

Assistant Commandant w.e.f. 13.10.1997. Further, it is contention of the Applicants that though they have submitted representation which was duly forwarded with recommendation by the authorities of ARC, Charbatia, till date they have received no reply. Hence, they have approached this Tribunal with the aforesaid prayers.

3. The Respondents in their counter have stated that the revision of scale of pay from Rs. 6500-10500/- to Rs.8000-13500/- and payment of the revised scale to the Applicants was routed with the Ministry of Finance (MOF) and as agreed to by the MOF, vide UO No.99/3/2004-IC dated 13.07.2004, the revised scale was granted to the Applicants prospectively w.e.f. 22.7.2004. However, from various communications made between the authorities it is seen that payment of revised scale from an earlier date to the Applicants is still in correspondence stage with the MOF.

4. Learned Counsel appearing for both sides reiterated the stand taken in their respective pleadings. Perused the materials placed on record. Grant of scale of pay and from which date the same is to be made effective is a policy decision purely falls within the domain of the Executive. It is seen from the correspondence that some of the crucial questions need to be decided for granting the revised scale of pay to the applicants from a retrospective date and the same is under consideration of the Ministries. Since meanwhile the Applicants have already retired on reaching the age of superannuation and the dues which they would be entitled to in case revised scale is allowed from a retrospective date will be of immense help to them, we

are sure the Respondent No.1 would do well in meeting the queries made by MOF within a short span of time and communicate the result thereof to the Applicants.

5. In the result, these OAs are accordingly disposed of. No costs.

Kappan
(JUSTICE K.THANKAPPAN)
MEMBER (JUDICIAL)

Chakraborty
(C.R.MOHAPATRA)
MEMBER (ADMN.)