

95  
CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O.A.No.235 OF 2012

Cuttack this the 30<sup>th</sup> day of July, 2015

Antaryami Mallick...Applicant

-VERSUS-

Union of India & Ors....Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? No
2. Whether it be referred to CAT, PB, New Delhi for being circulated to various Benches of the Tribunal or not ? No

  
**(R.C.MISRA)**  
**MEMBER(A)**

  
**(A.K.PATNAIK)**  
**MEMBER(J)**

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O.A.No.235 OF 2012

Cuttack this the 30<sup>th</sup> day of July, 2015

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HON'BLE SHRI A.K.PATNAIK, MEMBER(J)

HON'BLE SHRI R.C.MISRA, MEMBER(A)

Antaryami Mallick  
Aged about 47 years  
S/o. late Anadi Charan Mallick  
Permanent resident of Vill-Kumbhari  
PO-Kalio, PS-Balikuda  
Dist-Jagatsinghpur  
At present working as Accountant  
Office of Regional director  
Regional Center of Organic Farming  
Plot No.lGA-114  
Niladrivihar (Near Central School-4)  
PO-Sailashreevihar  
Bhubaneswar-21  
Dist-Khurda  
Odisha

...Applicant

By the Advocate(s)-M/s.K.C.Kanungo  
Ms.C.Padhi  
R.C.Behera

-VERSUS-

Union of India represented through

1. Secretary to Govt. of India  
Ministry of Finance  
Dept. of Expenditure  
North Block  
New Delhi-110 001
2. Secretary to Govt. of India  
Ministry of agriculture  
Dept. of Agriculture & Cooperation  
Krishi Bhawan  
New Delhi
3. Director  
National Centre of Organic Farming



Harpur Road  
Near C.B.I.Academy  
Ghaziabad  
Uttar Pradesh

4. Regional Director  
Regional Centre of Organic Farming  
Plot GA-114,  
Niladrivihar  
Near central school-4  
PO-Sailashreevihar  
Bhubaneswa-21  
Dist-Khurda  
Odisha

...Respondents

By the Advocate(s)-Mr.L.Jena

**ORDER**

**R.C.MISRA, MEMBER(A):**

Sequence of events leading to filing this Original Application runs thus: Applicant entered into Central Civil Services as Lower Division Clerk in the Office of Respondent No.4 in the year 1990. Subsequently, he was promoted to the grade of Upper Division Clerk in the year 1996 and while working as such, he was further promoted to the post of Accountant in the year 2005 carrying the scale of Rs.4500-125-7000/- (pre-revised). While the matter stood thus, 6<sup>th</sup> Central Pay Commission made its recommendations for revision of the pay scales of Accountant with special reference to Unorganized Accounts Cadre in Paragraph-3.8.5 of Part-B of the Notification dated 29.8.2008( A/1), in which Central Civil Services (Revised Pay) Rules, 2008 were notified to come into effect from 01.01.2006..



2. It is the submission of the applicant that pre-revised scale Rs.4500-7000 and Rs.5000-8000 were clubbed and merged together in the pre-revised scale Rs.6500-10500/- which corresponds to Rs.9300-34,800/- with Grade Pay Rs.4200(PB-2) in the revised scale. Grievance of the applicant is that whereas this revised scale (PB-2) with GP Rs.4200/- was extended to Head Clerks/Assistants/Steno Gr.II/equivalent, the same was not extended to him notwithstanding the fact that the post of Accountant held by him belongs to Unorganized Accounts Cadre, which is equal with the office staff in organizations outside the Secretariat. His further submission is that the Accountants in different Directorates and Regional Directorate under Respondent No.2 who belong to Unorganized Accounts Cadre are in receipt of GP Rs.4200(PB-2) whereas applicant's pay scale is fixed at Rs.5200-20200/- under PB-1 with GP of Rs.2800/-. Thus the grievance of the applicant is that he has faced discrimination.

3. With the above submissions, applicant has sought for the following relief.

"...to hold that the disagreement of respondent No.1 or any order to that effect on the concrete proposal of Respondent No.2 extending the pay scale in the Pay Band - 2(Rs.9300-34800) with Grade Pay Rs.4200 with effect from 01.01.2006 to the applicant as revealed from Annexure-A/6 is illegal.

...to direct that Respondent No.1 to extend the pay scale in the Pay Band-2

*[Signature]*

(Rs.9300-34800) with Grade Pay Rs.4200 with effect from 01.01.2006 with differential arrears till the actual payment is made with interest.

...to direct the Respondents to modify appropriate Annexure-A/2 to revise the pay scale of the applicant in the Pay band-2(Rs.9300-34800) with grade pay of Rs.4200 for the ends of justice".

4. Respondent No.1 represented by the Secretary, Ministry of Finance (Department of Expenditure) <sup>2</sup>through duly noticed has neither filed counter nor chosen to enter appearance. Respondent Nos. 2 to 4 have filed a detailed counter refuting the claim of the applicant. It has been contended that 6<sup>th</sup> CPC order has not merged or clubbed any pay scale concerning Unorganized Accounts Cadre. Merger of pay scales, according to them, relates to office staff working in Organization outside the Secretariat and is distinct from Accounts staff. The pay of the applicant has been fixed as per the explanation provided under Section-II(III) of 6<sup>th</sup> CPC orders. It has been submitted that there are many posts in the Department with similar nomenclature, but with different pay scales in different Directorates. The pay scales are assigned according to the nature and quantum of work. The instance given by the applicant that Accountants in other Directorate under Respondent No.2 are in receipt of GP Rs.4200 is out of place inasmuch as (PB-2) with GP Rs.4200 is not applicable to National Centre of Farming & its Regional Centers.



5. With these submissions, Respondents have prayed that the O.A. being devoid of merit is liable to be dismissed.

6. Applicant has filed a rejoinder to the counter. While indicating more or less the same view points as in the O.A., to the statement of the respondents that there are many posts in the Department with similar nomenclature, but with different pay scales in different Directorates and that the pay scales are assigned according to nature and quantum of work, applicant has replied that the aforesaid submissions were not under deliberation either by the Pay Commission or by the Government. Therefore, his plea is that relativity in the pay scale between the accounts related posts belonging to Unorgnized Accounts Cadre and ministerial posts is required to be maintained as per Para-3.5.8 of Section-II(Part-B) or CCS(RP) Rules, 2008. In addition to this, applicant has pointed out that in the earlier round litigation in O.A.No.353 of 2009 disposed of on 24.10.2011, this Tribunal had dealt with the matter in its entirety holding that the applicant is entitled to revised scale (PB-2) with GP Rs.4200/-.

7. Upon perusal of the pleadings of the parties, we have heard the arguments advanced by the learned counsel for both the sides. We have also gone through the written notes of submission filed by the parties concerned.

8. Before considering the matter on merit, we would like to mention that ventilating the same grievance applicant had



31

earlier approached this Tribunal in O.A.No.353 of 2009 for direction to be issued to Respondent Nos. 1 and 2 to extend him the revised scale of Rs.9300-34800 with GP Rs.4200(PB-2) with effect from 01.01.2006 and to pay differential arrears till the actual payment is made. The background on which applicant had approached this Tribunal was that representations preferred by him in this regard had been forwarded by Respondent No.2 to the Department of Agriculture & Cooperation, who was Respondent No.1 in that O.A. In response to this, applicant received a reply dated 11.11.2009 to the following effect.

“...the proposal for granting to higher Pay Band to the Accountant of NCOP/RCOF had been sent to the Department of Expenditure, Ministry of Finance, for their advice. The Department of Expenditure has considered the proposal and intimated that as per Part B, Section II, Sl.No.III of CCS(RP) Rules, 2008, accounts staff belonging to unorganized accounts cadre have been extended the corresponding replacement Pay Band and grade pay in the revised pay structure. Accordingly, it is not feasible to agree to the instant proposal of the Department of Agriculture & Cooperation. The post of Accountant in NCOF, Ghaziabad may therefore, be placed in the revised pay structure grade pay of Rs.2800/- in the Pay Band PB-1”.

9. This Tribunal, while deciding the matter formulated the following points for determination.



- i) Whether the representations submitted by the applicant from time to time ventilating his grievance have been considered in its proper perspective.
- ii) Whether the post of Accountant, as held by the applicant is an unorganized accounts cadre.
- iii) Whether the existing relativity between the accounts related posts outside the organized accounts cadre and ministerial posts has been maintained.

10. This Tribunal having held that accounts staff belonging to unorganized accounts cadre and outside the accounts cadre which have the same connotation should not have been construed differently in utter disregard to Section-II(II)Para 3.1.14 read with Section-II(III) Para 3.8.5. answered the point in issue (i) that the representations<sup>2</sup> of the applicant had not been considered and disposed of in its proper perspective.

11. The Tribunal while considering the other aspects of the matter, had taken note of the recommendations made by Respondent No.2 at the time of forwarding the representations of the applicant to Respondent No.1, which are as under.

"Further as per the latest recommendations of 6<sup>th</sup> CPC under para 3.1.14 of Section II(II), existing posts of Head Clerk/Assistants/Steno Grade-II/equivalent in the pre-revised pay scale of Rs.4500-7000 & Rs.5000-8000 are to be placed in the revised pay scale in the Pay Band-2( Rs.9300-34800) with Grade Pay of Rs.4200. As the post of Accountant in NCOF/RCOF's is an un-organized accounts cadre outside the Secretariat, therefore, as per section-II(II) para 3.8.5, the same has to be placed in the above

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mentioned revised Pay Band-2 and Grade Pay".

12. Having regard to the above, this Tribunal held as under.

"The introductory sentence, i.e., the existing relativity between the accounts related posts outside organized accounts cadre and ministerial posts refers to a circumstance before coming into force of the recommendations of the 6<sup>th</sup> CPC. Section-II(II)/Para 3.1.14 refers to office staff working in Organizations outside the Secretariat. Head Clerk/Assistants/Steno Gr.II/equivalent fall under this banner, meaning thereby, organizations outside the Secretariat in so far as the present case is concerned. There is no dispute that the posts of Head Clerk/Assistants/Steno Gr.II/equivalent as referred to in Para 3.1.14 above, are ministerial posts, carrying the old pay scales Rs.4500-7000 and Rs.5000-8000/ have been allowed PB-2 with Grade Pay Rs.4200/- . It is also an admitted position that the applicant was in receipt of Rs.4500-7000 prior to 6<sup>th</sup> CPC. Viewed from this angle, if the applicant was not granted PB-2 with GP Rs.4200 in line with Head Clerks/Assistants/Steno Gr.II/equivalent, it cannot be said that the existing relativity between the accounts related posts outside organized accounts cadre and ministerial posts has properly been maintained and in that event, the recommendations of the 6<sup>th</sup> CPC cannot be said to have been implemented in letter and spirit. In this view of the matter, we would answer the point in issue as at (ii) that the applicant belongs to unorganized accounts cadre and in so far issue as at (iii) is concerned, the existing relativity between the accounts related posts outside organized accounts cadre and ministerial posts has not been properly maintained.

13. Having so held, this Tribunal quashed the impugned order therein vide R/3 dated 11.11.2009 and remitted the matter to the Respondent-Organization to put up a concrete and definite proposal before the Ministry of Finance for the purpose of allowing the applicant sale of pay in PB-2 with GP Rs.4200 to which he is legally entitled to.

14. In implementation of the above directives of the Tribunal, the Ministry of Agriculture, Department of Agriculture & Cooperation sent a concrete proposal covering all aspects of the matter with a recommendation to grant pay scale in PB-2 with GP Rs.4200 to the Accountants in NCOF, Ghaziabad to the Ministry of Finance, whereupon, the latter considered the same, but did not agree to the proposal for grant of PB-2 with grade pay Rs.4200 in place of existing pay (PB-1 with GP of Rs.2800). Impugning this communication dated 9.2.2012 (A/6), applicant in this Original Application has challenged its legality and validity.

15. In the counter-reply, the pivotal point of argument advanced by the Respondent Nos.2 to 4 is that the proposal on being examined by the Ministry of Finance was not found feasible to be agreed to on the grounds that Sl.No.III of Section II of Part B of CCS(RP) Rules indicates that the existing relativity between the accounts related posts outside organized accounts cadres and ministerial posts will be maintained and the accounts staff belonging to unorganized accounts cadre



shall be extended the corresponding replacement Pay Band and Grade Pay. Therefore, it is the case of the Respondents that the post of Accountant of NCOF is required to be placed in the normal replacement pay and grade pay.

16. In O.A.No.353 of 2009, the direction of the Tribunal in the order dated 24.10.2011 was that the Secretary to Government of India, Ministry of Agriculture (Respondent No.1 in that O.A.) should prepare a concrete and definite proposal to be placed before the Ministry of Finance for the purpose of allowing the applicant the scale of pay in PB-2 with GP Rs.4200/- to which he is legally entitled. No direction was issued to the Ministry of Finance as such. Be it mentioned here that the Ministry of Finance was not a party- respondent in the previous O.A. The Ministry of Agriculture complied with the direction as revealed from the impugned order dated 9.2.2012. They sent a concrete proposal covering all aspects of the case with the recommendation to grant scale in PB-2 with GP Rs.4200/- to Accountants in NCOF, Gaziabad to the Ministry of Finance. In Para-4 of the impugned order it is mentioned that ***"the Ministry of Finance considered the matter and has not agreed with the proposal of the Department for grant of higher PB-2 with Grade Pay Rs.4200/- in place of existing pay (PB-1 with GP of Rs.2800)"***. No detailed grounds as to why the Ministry of Finance turned down the proposal are mentioned in the body of the order.



17. We have given our anxious consideration to the submissions made by the learned counsel for the parties. The counter affidavit filed supposedly on behalf of Respondent No.1 to 4 is verified by the Regional Director in the Office of Regional Centre for Organic Farming at Bhubaneswar. The Regional Director is Respondent No.4 in this O.A. It is not known whether the Respondent No.4 has been duly authorized by the Respondent No.1, 2 and 3 to file the counter affidavit on their behalf. It is not possible to know the basis on which the decision of the Ministry of Finance and the grounds thereof <sup>re</sup> has been submitted in the counter affidavit. No document containing such decision and grounds thereof has been filed. In the impugned order it is only stated that the Ministry of Finance considered the matter and has not agreed with the proposal of the Department. When detailed reasons are not given by the Ministry of Finance in the order, we fail to realize on what basis these are submitted in the counter affidavit.

18. It is quite obvious that Respondent No.1, i.e., the Secretary, Ministry of Finance is the final authority to take a decision in the matter, based upon the proposal placed by Respondent No.2. It is required for the Tribunal to obtain from Respondent No.1 such detailed reasons for rejection of the proposal, as would help the Tribunal to take a final and conclusive view in the matter. It is also noteworthy that the applicant mentions in his rejoinder that one Shri



M.K.Mukherjee who is an Accountant in the office of Regional Plant Quarantine Station, Kolkata under Respondent No.2 who was in the pay scale of rs.4500-7000 (pre-revised) got his scale revised to Rs.6500-10500 which further corresponds to Rs.9300-34800 with GP Rs.4200/-. The applicant claims similarity of treatment of his case. The Tribunal would also like to know the reply of the respondents before taking a final view.

19. We would like to mention here that even for administrative orders, detailed reasons and grounds on which decision is based are a very important part of the administrative law. In the case of **Krishna Swami vs.UOI & Ors.** (AIR 1993 SC 1407), the Hon'ble Apex Court observed as follows.

"Reasons are the links between the material, the foundation for their erection and the actual conclusions. They would also demonstrate how the mind of the maker was activated and actuated and their rational nexus and synthesis with the facts considered and the conclusions reached, lest, it would be arbitrary, unfair and unjust, violating Article 14 or unfair procedure offending Article 21".

20. In a cryptic and opaque order, the detailed reasons cannot be verified, and in the absence of the same adjudication of a disputed issue becomes difficult. In so far as the present matter is concerned, it is required that the Respondent No.1 shall have to consider the matter and dispose of the proposal of the respondent No.2 with regard to the case of the applicant giving detailed grounds for their decision.



38

21. Based on the above premises, the matter is remitted back to Respondent No.1, i.e., the Secretary, Ministry of Finance, Department of Expenditure, with a direction to reconsider the proposal of the Respondent No.2 and dispose of the matter giving <sup>by</sup> detailed grounds for the decision. Their decision shall be conveyed to the Respondent No.2 with a detailed and reasoned communication within 90 (ninety) days from the date of receipt of copy of this order. Such decision when conveyed to Respondent No.2 be communicated to the applicant through Respondent No.3 and 4 within a period of two weeks of receipt of decision of the Ministry of Finance (Department of Expenditure).

With the above observation and direction, the O.A. is disposed of with no order as to costs.

**(R.C.MISRA)**  
**MEMBER(A)**



  
**(A.K.PATNAIK)**  
**MEMBER(J)**

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