

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

O.A. No. 291/1998
File No.

199-

DATE OF DECISION : 07.04.2000.

Narender Kumar Jain & Anr. Petitioner (s)

Mr. J.K. Kaushik, Advocate for the Petitioner (s)

Versus

Union of India & Anr. Respondent(s)

Mr. Vineet Mathur, Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. A.K. Misra, Judicial Member

The Hon'ble Mr. Gopal Singh, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement ? *No*

2. To be referred to the Reporter or not ? *Yes*

3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*

4. Whether it needs to be circulated to other Benches of the Tribunal ? *No*

Gopal Singh
(Gopal Singh)
Adm. Member

A.K. Misra
(A.K. Misra)
Judl. Member

(10)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH: JODHPUR

Date of order : 7.4.2000

O.A. No. 291/1998

1. Narendra Kumar Jain son of Shri Kapoor Chand Jain aged about 38 years resident of Plot No. 5/30, Heavy Water Colony, Rawatbhata, District Chittorgarh, at present employed on the post of Scientific Officer (SB) in the office of Heavy Water Plant Anu Shakti, Rawatbhata, District Chittorgarh.
2. Madan Mohan Lohana son of Shri Ganesh Dutt Lohani aged about 38 years resident of Plot No. J, 23, Heavy Water Colony, Rawatbhata, District Chittorgarh, at present employed on the post of Scientific Officer (SB) in the office of Heavy Water Plant Anu Shakti Rawatbhata, District Chittorgarh.

... Applicants.

versus

1. The Union of India through the Secretary to Government of India, Department of Atomic Energy, O Y C Building, CSM Marg, Mumbai.
2. Chief Executive, Heavy Water Board, V.S. Bhawan, 4th Floor, Anushaktinagar, Mumbai.

... Respondents.

Mr. J.K. Kaushik, Counsel for the applicant.

Mr. Vinit Mathur, Counsel for the respondents.

CORAM:

Hon'ble Mr. A.K. Misra, Judicial Member.

Hon'ble Mr. Gopal Singh, Administrative Member.

: O R D E R :

(Per Hon'ble Mr. Gopal Singh)

In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicants have prayed for setting aside the impugned order dated 11.10.96 (Annexure A/1), order dated 16.12.96

Gopal Singh

(1)

(Annexure A/2) and orders dated 18.4.98 (Annexures A/3 and A/4) and for a direction to the respondents to consider the applicants for promotion to the post of SO(SC) scale Rs. 2200-4000 or in the alternative, fix the pay of the applicants on promotion to the post of SO(SB) under FR 22-I(a)(i).

2. Both the applicants while working as Scientific Assistant 'B' in the scale of Rs. 2000-3500 were appointed as SO(SB) in the scale of Rs. 2000-3500 vide respondent's letter dated 11.10.96 (Annexure A/1). In their letter dated 16.12.96 (Annexure A/2), the respondents had clarified that exercise of option under F.R. 22-I (a)(i) is not applicable to those Scientific Assistants, who are appointed as SO(SB) as per F.R. 22-III as the scale of pay of both the posts is identical. The respondents vide Annexures A/3 and A/4 have rejected the representations of both the applicants in regard to fixation of their pay under F.R.22-I (a)(i). Applicants' contention is that since they have been promoted to the post of SO(SB) and this post carries higher responsibilities, they should be given the benefit of pay fixation under F.R.22-I(a)(i) on their promotion.

3. In the counter, the respondents have stated that since the scale of pay of both the posts is identical, the benefit under FR 22-I(a)(i) for fixation of their pay on thier promotion cannot be extended. They have further submitted that the pay fixation in the instant case is regulated under F.R. 22-III. We consider it appropriate to reproduce F.R.22(III) as under :-

"F.R.22(III) - For the purpose of this rule, the appointment shall not be deemed to involve the assumption of duties and responsibilities of greater importance if the post to which it is made is on the same scale of pay as the post, other than a tenure post, which the Government servant holds on a regular basis at the time of his promotion or appointment or on a scale of pay identical therewith".

4. In the light of above provision, the applicants on their appointment to the post of SO(SB) grade Rs. 2000-3500 would not be entitled to fixation of their pay under F.R.22(I) (a)(i) since the scale of pay of both the posts is identical. Thus, we do not find any merit in this application and the same deserves to be dismissed.

5. The O.A. is accordingly dismissed with no order as to costs.

Gopal Singh
(GOPAL SINGH)
Adm. Member

A.K. Misra
(A.K. MISRA)
Judl. Member

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Plastic Member 'A'

Part II and III destroyed
in my presence on 16/1/86
under the supervision of
section officer (J) as per
order dated 23/1/86

Section officer (Record)

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(W.M. & Member)
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