

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,  
J\_O\_D\_H\_P\_U\_R.

Date of Order : 31.8.2000.

O.A. No. 184/1998

Bajrang Singh Choudhary S/O Shri Umed Ram Choudhary, aged about 39 years, R/O House No.426, 1st D-Read, Sardarpura, Jodhpur, presently working on the post of Surveyor Assistant-I (S.A.-I) in the office of CWE (Army) Multan Lines, Jodhpur.

... Applicant

vs

1. Union of India through the Secretary, Ministry of Defence, New Delhi.
2. The Chief Engineer, Headquarters Southern Command, Engineers Branch, Pune.
3. Command Works Engineer (Army) Multan Lines, Jodhpur.
4. Chief Engineer, Jaipur Zone, Bani Park, Jaipur.

... Respondents

O.A. No. 310/1998

R.P. Joshi S/O Late Shri Shyam Lal Joshi, aged about 42 years, R/O Quarter No. 366/1 AIR FORCE AREA, Jaisalmer (Rajasthan) presently working on the post of Surveyor Asstt. Grade I (S.A.I) in the office of Garrison Engineer, 860 Engineer Works Services C/O 56 A.P.O.

... Applicant

vs

1. Union of India through the Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.
2. The Chief Engineer, Headquarters Southern Command, Engineers Branch, Pune.
3. Garrison Engineer, 860 Engineer Works Services, C/O 56 A.P.O.
4. Chief Engineer, Jaipur Zone Bannie Park, Jaipur.(Raj)

... Respondents

Mr. S.K. Malik, Counsel for the Applicants.

Mr. S.S. Purohit, Counsel for the Respondent No.3, in OA184/98. None present for other Respondents.

Mr. Vineet Mathur, Counsel for the Respondents in OA No.310/98.

CCRAM :

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

O\_R\_D\_E\_R

( PER HON'BLE MR. GOPAL SINGH )

The controversy involved as also relief sought in both these applications is the same and, therefore, both these applications are being disposed of by this single order.

Government of India, Ministry of Urban Development (Works Division) vide their letter dated 22.3.1991, decided that Junior Engineers/Section Officers (Horticulture) in the CPWD will be provided two scales namely; Rs.1640-2900 and Rs.2000-3500 on completion of 05 and 15 years of service respectively or from 1.1.86 and 1.1.91, whichever is later.

The scheme provided that on placement in the scale of Rs.1640-2900 the benefit of pay fixation under FR 22(I)(a)(i) will not be admissible whereas on placement on the scale of Rs.2000-3500 the benefit of fixation under FR 22(I) (a)(i) will be admissible. This scheme was adopted by the respondent - department vide their letter dated 24.4.96 (Annexure A/2) in respect of their staff (Surveyor II and Surveyor I).

Accordingly, the applicants have been fixed in the scale of Rs.1640-2900 w.e.f. 1.1.86. However, they have not been allowed increments in the new scale of Rs.1640-2900 w.e.f. the due date in the old scale of Rs.1400-2300. Hence, this application.

3. In the counter, it has been pointed out by the respondents that the applicant had given an option for fixing their pay in the new scale Rs.1640-2900 w.e.f. the date of their next increment in the old scale. Accordingly, the pay

of the applicants have been fixed first w.e.f. 1.1.86 and then w.e.f. the due date of increment in old pay scale i.e., 1.10.86 and 1.11.86 respectively at the stage of Rs.1640/- XXXX and the next increment in the new scale had been given w.e.f. 1.10.87 and 1.11.87 respectively to the applicants. It has, therefore, been averred by the respondents that the pay has been fixed according to their option and the increment in the new pay scale cannot be allowed from the due date of increment in the old pay scale. The application is, therefore, devoid of any merit and deserves to be dismissed.

4. We have heard the learned Counsel for the parties, and perused the records of the case carefully.

5. This controversy had come up before the Principal Bench of the Tribunal in O.A. No. 2400/96 decided on 20th April, 2000, wherein respondents were directed to grant increment to the applicants from the dates due to them in the old scale after 1.1.86. The Principal Bench in their order dated 20.4.2000 had held that the applicants' case is covered fully by the ratio of judgment of Hon'ble the Supreme Court in the case of C.B. Prasad in Civil Appeal No.6717/97 decided on 18.3.99 as well as by the order of Bombay Bench of this Tribunal in the case of P. Babu (O.A. No.535/93) decided on 8.2.94.

6. In the light of above discussion, we do not find any strong reasons to deviate from the view already taken by the Principal Bench in this regard. In regard to the option submitted by the applicants for their pay fixation in the case of Rs.1640-2900 as averred by the respondents, it is pointed out that in terms of the scheme

the benefit of pay fixation under ER 22 (I) (a) (i) was not admissible and as such option had no meaning. Accordingly, we pass the following order :

The applications are allowed. Applicants will be entitled to the next increment in the higher grade pay scale of Rs.1640-2900 on the normal date as due in the entry grade of Rs.1400-2300. No costs.

Sd/-  
(GOPAL SINGH)  
ADM. ME MEER

SG/-  
(B.S.RAIKOTE)  
VICE CHAIRMAN

प्रमाणित सही प्रतिलिपि  
अनुभाग अधिकारी (न्यायिक)  
केन्द्रीय प्रशासनिक अधिकरण  
लोधपुर

Received  
X-1  
S. M. D.  
Blanket 6/9/2007

Received  
K.S.Gill  
for V.K.Methra  
6-9-2007

Part II add. is destroyed  
in my presence on 9/4/07  
under the supervision of  
section officer (S) as per  
order dated 10/1/07

N.G.D  
Section officer (Received)