

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. No. 480/04

Monday, this the 8th day of January, 2007

CORAM :

**HON'BLE DR.K.B.S.RAJAN, JUDICIAL MEMBER
HON'BLE MR.N.RAMAKRISHNAN, ADMINISTRATIVE MEMBER**

K. Muthukoya
Senior Auditor
Pay and Accounts Department
Kavaratti, Lakshadweep : Applicant

(By Advocate Mr. Thampan Thomas)

Versus

1. Union of India represented by its Secretary
Ministry of Finance & Company Affairs
Department of Expenditure
New Delhi :
2. The Administrator
Union Territory of Lakshadweep
Secretariat, Kavaratti
3. Assistant Controller General of Accounts
Department of Expenditure
New Delhi : Respondents

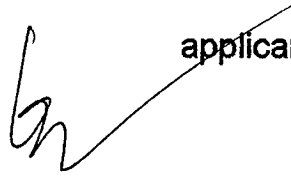
(By Advocate Mr. TPM Ibrahim Khan, SCGSC (R1&3)
Advocate Mr.P.R.Ramachandra Menon (R2)

The application having been heard on 08.01.2007, the
Tribunal on the same day delivered the following :

ORDER

HON'BLE DR.K.B.S.RAJAN, JUDICIAL MEMBER

This case relates to applicability or otherwise of O.M dated 28.02.2003 (Annexure R-2) in respect of Senior Auditors of the UT of Lakshadweep. If this order is made applicable, the applicant in this OA would be one of the beneficiaries.



2. According to the aforesaid OM dated 28.02.2003 of Ministry of Finance & Company Affairs, pay scales of various posts in the various Organised Accounts Cadres existing in various Ministries/Departments of the Government of India have been upgraded on notional basis with effect from 01.01.1996 and actual basis from 19.02.2003. Senior Auditors/Senior Accountant whose pay scale initially was Rs.1400-2600 and whose revised pay was Rs.5000-8000 have been placed in the scale of pay of Rs.5500-9000. According to the applicant, the aforesaid pay revision was not extended to him and hence he had made a representation on 10.11.2003 but so far no action was taken. The applicant therefore, sought for a direction to the respondents to make available the benefit of O.M dated 28.02.2003 to him.

3. Respondents have resisted the O.A. According to them, the revised pay scales as contained in O.M dated 28.02.2003 are applicable only to organised Accounts cadre. The functions of Pay and Accounts Office are only one of the main functions in the organised Accounts Cadre and as such, the benefit is available in the O.M dated 28.02.2003 cannot be extended to the applicant.


4. The applicant filed rejoinder wherein it has been stated that the organisational set up in Pay and Accounts Office, Lakshadweep has also been shown with proper area codes as in the case of all other Pay and Accounts Offices including UTs of Delhi Administration and Andaman and Nicobar Administrations. In

fact, the counterparts of the applicant in the UT of Delhi Administration and Andaman and Nicobar Administrations have already been afforded the benefit.

5. In order to ascertain whether the counterparts of the applicants in other UTs have been granted this benefit, respondents were directed to obtain the information from the UT of Delhi Administration and Andaman and Nicobar Administrations. Despite time having been given nothing came through.

6. We have considered the claim of the applicant. O.M dated 28.02.2003, no doubt provides for higher pay scale to various posts in the organised Accounts Cadres existing in various Ministries/Departments of Government of India. The Apex Court in ***State of Mizoram Vs. Mizoram Engineering Association, (2004) 6 SCC 218***, observed, " *Apart from the reason of absence of Recruitment Rules for the Engineering Service, we see hardly any difference in organized and unorganized services so far as Government Service is concerned.*"

7. If the benefit of this O.M has percolated upon the Senior Auditors of other UTs, there is no reason at all as to why the same shall not be made available to the applicant and similarly situated other Senior Auditors working in the Lakshadweep Administration.

 Had the respondents meticulously attempted to obtain the information as called for by the Tribunal on the basis of the

information received as to whether the Senior Auditors in other UTs are enjoying the benefits, a like order would have been passed. In the absence of specific information the respondents are directed to ascertain the pay scale of Senior Auditors in the UT of Delhi Administration and Andaman and Nicobar Administration and if the pay scales of Senior Auditors in those UTs is as per OM dated 28.02.2003, the respondents shall afford the same pay scale to the applicant notionally with effect from 01.01.1996 and actually from 19.02.2003. This drill shall be performed by Respondent No.2 within a period of two months from the date of communication of this order.

8. The OA is disposed of on the above lines. No costs.

Dated, the 8th January, 2007.



N.RAMAKRISHNAN
ADMINISTRATIVE MEMBER



K.B.S.RAJAN
JUDICIAL MEMBER

VS