

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 513 of 2002

Thursday, this the 3rd day of March, 2005.

CORAM

HON'BLE MR K.V. SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR H.P.DAS, ADMINISTRATIVE MEMBER

M. Chellappan,
Superintendent,
Directorate of Education,
U.T. Of Lakshadweep,
Kavarathi.

Applicant

By Advocate Mr PV Mohanan

vs.

1. Union of India,
Represented by the Secretary to Government,
Ministry of Home Affairs (ANL),
New Delhi.

2. The Administrator,
U.T. Of Lakshadweep,
Kavarathi.

Respondents

By Advocate Mr T.P.M. Ibrahimkhan, SCGSC (for R.1)

By Advocate Mr S Radhakrishnan (for R. 2)

ORDER

HON'BLE MR H.P.DAS, ADMINISTRATIVE MEMBER

The applicant M Chellappan's case is that he was at the stage of Rs.2100/- on 1.1.96 as Superintendent in Lakshadweep Administration in the scale of Rs.1400-2300, from which date the replacement scale of Rs.4500-7000 as recommended by the Vth Pay Commission was made applicable and his pay was fixed under the relevant rules at Rs. 6625/- on

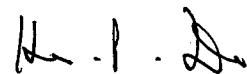
1.6.1996. While so, the replacement scale was revised to Rs. 5500-9000 and by refixation he was placed at Rs. 6550/- on 1.6.96, thereby reducing his basic pay by Rs. 75/- on that date with consequential cascading effect. He is aggrieved by the loss of pay, claiming that since the higher replacement scale was intended for prospective application, his pay should have been fixed under FR 23 as on 1.6.96 at the next higher stage above Rs.6550/- i.e. at Rs.6725/-, thereby allowing, him consistently higher pay instead of lower incidence occasioned by incorrect application of the higher replacement scale. The only argument the applicant has advanced in support of his claim is that the higher replacement scale of Rs.5500-9000 was notified in Part 'C' in CCS(Revised Pay) Rules 1997 and there in no retrospective application was contemplated. The respondents on the other hand contend that the stipulation of prospective application was only in respect of those scales where their applicability rested on the fulfilment of certain conditions like restructuring of cadre, redistribution of posts or changes in recruitment rules. Hence prospective application was restricted only to some specific conditional scales, and not to all scales included in the said notification. As in the applicant's case no conditions were stipulated, it would not attract FR 23, instead it would entail a revision from the date of application of the first replacement scale.

2. Heard. Indeed, as the respondents contend, the post of Superintendent in Lakshadweep Administration has been notified in Part C without any conditions attached. As the respondents contend, a higher scale was granted in satisfaction of a long pending demand of the entire class of Superintendents in Lakshadweep Administration. Further, assuming that FR 23 would be attracted on prospective fixation, the

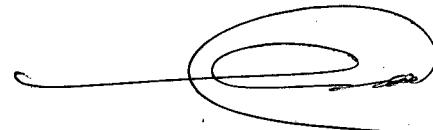
applicant's pay would be fixed on 29.11.1997 and not on 1.6.1996. In that case too, his pay would be fixed at the stage entailing no recurring loss. Thus, we see no substance in the grievance as neither any consequential loss of pay on application of a higher scale is real, nor is there any scope for attenuated benefits expected from deferred fixation by default.

3. In the result, we dismiss the application. No order as to costs.

Dated, the 3rd March, 2005.



H.P.DAS
ADMINISTRATIVE MEMBER



K. V. SACHIDANANDAN
JUDICIAL MEMBER

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