

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 540 of 2002

Thursday, this the 30th day of September, 2004

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. H.P. DAS, ADMINISTRATIVE MEMBER

[By Advocate Shri V. Krishna Menon]

## Versus

1. Union of India represented by its Secretary, Ministry of Information and Broadcasting, New Delhi - 110 001
2. Prasar Bharti Broadcasting Corporation of India, Directorate General, All India Radio, represented by its Director General, New Delhi - 110 001
3. The Pay and Accounts Officer, IRLA, Ministry of I&B, AGCR Building, Indraprastha Estate, New Delhi - 110 002
4. The Station Director, All India Radio, Kozhikode. .... Respondents

[By Advocate Shri C. Rajendran, SCGSC]

C. B. B. E. B.

HON'BLE MR. A. V. HARIDASAN, VICE-CHAIRMAN

The applicant commenced services as a Stenographer in the All India Radio on 6-5-1961 and retired on superannuation on 30-4-1998, while working as Programme Executive in the All India Radio. The 1st respondent issued an order dated 25-2-1999 (Annexure A1) to the effect that those employees who

were in the services of All India Radio and Doordarshan as on 25-2-1999 and opted to become employees of Prasar Bharati Corporation would be entitled to the revised pay scale with effect from 1-1-1996. It was also ordered that employees of All India Radio and Doordarshan who had been working as Transmission Executives as on 1-1-1978 would be fixed notionally in the pay scale of Rs.550-900 with effect from 1-1-1978. The benefit of the above refixation was ultimately extended to those who were in services of Doordarshan and All India Radio but retired during the period from 23-11-1997 to 25-2-1999. Since the benefit was not extended to the applicant, he filed OA.No.1186/99 which was closed as infructuous finding that the relief sought had already been granted to the applicant by the issuance of Annexure A1 in this case. For having his pensionary benefits settled the applicant filed OA.No.590/2000 which was disposed of directing the respondents to settle the claim of the applicant. Accordingly, the applicant's pay and pensionary benefits were refixed by Annexure A5 and A6. The present grievance of the applicant is that one increment which was due to the applicant on 1-2-1978 had not been granted to him for no reason. Therefore, alleging that this has resulted in reduction in the last pay drawn and pension, the applicant has filed this application for a declaration that he is entitled to have his pay fixed at Rs.10250/- setting aside Annexure A5, A6 and A9 with consequential benefits. It is alleged in the application that the benefit of increment which fell due on 1st February has been granted to him in the year 1986 and 1996 and there is no reason why the benefit was denied to the applicant while refixing his pay in terms of Annexure A1 for the year 1978.

4/

2. Although the respondents were given a large number of adjournments to file their reply statement, they did not do so. Even the last opportunity granted to them not having been availed of, the right of the respondents to file a reply statement was forfeited. We, therefore, did not have the privilege of understanding the stand of the respondents on the disputed claim.

3. With the available pleadings, we considered the claim of the applicant with the aid of the submissions made by the learned counsel of the applicant as also Shri C.Rajendran, learned SCGSC. Learned counsel of the applicant asserted that the applicant had, as a matter of fact, been granted an increment on 1-2-1978 as that was the normal date of drawal of increment in his case.

4. We find from the records that there is no clear and specific averment in the application or even in the additional affidavit filed by the applicant that the applicant had, as a matter of fact, drawn an increment in the scale of pay of Rs.425-750 on 1-2-1978. If the applicant had not drawn an increment on 1-2-1978 in the said scale, refixation of the applicant's pay in the revised scale without granting an increment on 1-2-1978 cannot at all be faulted. However, in the absence of specific details regarding the fact whether the applicant had really been granted an increment on 1-2-1978, we are of the considered view that the interest of justice would be met by directing the respondents to examine the service records of the applicant, see whether the applicant had been granted an increment in the scale of Rs.425-750 as on 1-2-1978 and if it is found that such an increment had been drawn by the

✓

applicant on that date, to have his pay refixed accordingly and to grant him consequential benefits, if <sup>any</sup> ~~admissible~~. We direct accordingly. The above exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5. The Original Application is disposed of as above. There is no order as to costs.

Thursday, this the 30th day of September, 2004

12.1.20

H.P. DAS  
ADMINISTRATIVE MEMBER

A.V. HARIDASAN  
VICE CHAIRMAN



Ak.