

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 558 of 2011

THURSDAY, this the 21st day of March, 2013

CORAM:

Hon'ble Mr. Justice P.R. Raman, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

K.C. Subhekshan, S/o. Achuthan, aged 46 years,
 Chaithanya House, Karanthoor PO, Calicut, Diesel
 Engine Driver, All India Radio Calicut, Pin-673 032,
 Kozhikode, Kerala.

Applicant

(By Advocate – Mr. P.K. Ramkumar)

V e r s u s

1. Union of India, represented by Secretary,
 Ministry of Information and Broad Casting,
 Government of India, New Delhi – 1.
2. The Director General, All India Radio, New Delhi – 1.
3. The Chief Engineer (South Zone), All India Radio & TV,
 Swami Sivananda Salai, Chennai-600 005. **Respondents**

(By Advocate – Mr. A.D. Raveendraprasad, ACGSC)

This application having been heard on 04.03.2013, the Tribunal on
21-03-2013 delivered the following:

O R D E R

By Hon'ble Mr. K. George Joseph, Administrative Member

The applicant was appointed as Diesel Engine Driver (Generator
 Mechanic) under the All India Radio, Calicut Station in the pay scale of Rs.
 950-1500/- on 31.8.1990. OA No. 234 of 2011 filed before this Tribunal by
 him for the pay scale of Rs. 1200-1800/- fixed by the IVth Pay Commission
 as per his understanding was disposed of on 22.3.2011 with a direction to



consider the representation of the applicant. Accordingly, Annexure A1 order was issued confirming the pay scale of Diesel Engine Driver as Rs. 950-1500/-. Aggrieved the applicant has filed this OA for the following reliefs:-

- "(i) Declare that Annexure A1 speaking order dated 19.5.2011 is wrong and unenforceable as the scale applicable is not 950-1500 but 1200-1800 as shown in Annexure A6 rules;
- (ii) To direct the 2nd and 3rd respondents to re-fix the applicants basic pay as Rupees 1200-1800 instead of Rupees 950-1500;

And

- (iii) To pass such other reliefs prayed for by the applicant from time to time and this Honourable Tribunal may deem fit and proper to grant."

2. The applicant contended that the IVth Central Pay Commission had recommended and Government had approved the basic pay of Diesel Engine Driver as Rs. 1200-2040/- whereas he was given only the pay scale of Rs. 950-1500/- which is illegal. Two Diesel Engine Drivers under AIR, Rajkot were given the basic pay of Rs. 1200-1800/- in the year 1993. He further submitted that materials produced along with this OA shows that the basic pay of Diesel Engine Driver when he joined service was Rs. 1200-1800/-. The correction slip in the year 1992 as per Annexure R1 cannot alter the basic salary of the applicant who was appointed in the year 1990. Shri Mohan Rajan Diesel Technician under the Calicut Station of AIR who was appointed as Diesel Engine Driver in 1986 was given the pay scale of Rs. 1200-1800/-. The decision of the Ahmadabad Bench of this Tribunal in OA No. 791/2000 is in his favour. As per the Revised Pay Rules, 1986 the pay scale of Rs. 1200-1800/- is the pay scale suitable to the applicant though the post of Diesel Engine Driver is not mentioned.



3. In the reply statement the respondents submitted that an inadvertent error has occurred in the Recruitment rules for the post of Diesel Engine Driver at the time of printing which was corrected by the slip dated 19.11.1992. Accordingly, the appropriate scale of pay applicable to Diesel Engine Driver is Rs. 950-1500/- and not Rs. 1200-1800/. Annexure III of AIR Manual denotes the scale of pay of Diesel Engine Driver as Rs. 950-1500/- in the list of pay of civilian posts. The Diesel Engine Driver under the Rajkot Station of AIR was given Rs. 1200-1800/- incorrectly. In the case of other employees similarly working as Diesel Engine Drivers the scale of pay given is Rs. 950-1500/. Shri Mohan Rajan had joined AIR, Calicut as Diesel Engine Driver on 20.2.1984 and was promoted as Diesel Technician from 30.10.1989 and was given the pay scale of Rs. 1320-2040/. The applicant has given false information as to Shri Mohan Rajan without any basis.

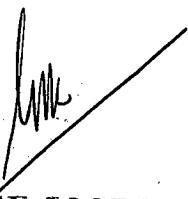
4. We have heard the learned counsel for the parties and perused the records.

5. The respondents have admitted that there was an inadvertent error on their part in showing the pay scale of Diesel Engine Driver as Rs. 1200-1800/- in the Recruitment Rules at the time of printing instead of Rs. 950-1500/. The mistake is corrected and circulated to all concerned vide letter dated 19.11.1992 as at Annexure R1. The applicant was given the correct pay scale of Rs. 950-1500/- on his appointment as Diesel Engine Driver on 31.9.1990. It is not the case of the applicant that his appointment was not in that scale. His contention is based on the inadvertent printing mistake and the

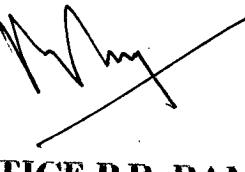
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fixation of pay of Diesel Engine Driver under the Rajkot Station of AIR in the pay scale of Rs. 1200-1800/- which was upheld by the Ahmadabad Bench of this Tribunal in OA No. 791/2000 as the appointment of those Diesel Engine Drivers in Rajkot was in the pay scale of Rs. 12000-1800/-, by statutory rules (though uncorrected). The respondents were given the liberty to re-fix the pay of the Diesel Engine Drivers in the Rajkot Station by amending the Recruitment Rules. In the instant case the appointment of the applicant was in the pay scale of Rs. 950-1500/. The benefit of a mistake cannot be extended to the applicant herein as it would amount to perpetuation of a mistake. The applicant has no sustainable claim for the pay scale of Rs. 1200-1800/-. The comparison of his case with Shri Mohan Rajan is without any basis as rightly contended by the respondents.

6. Hence, the Original Application is dismissed as devoid of merit. No order as to costs.



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER



(JUSTICE P.R. RAMAN)
JUDICIAL MEMBER

“SA”