

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.116/09

Monday this the 18th day of January 2010

C O R A M :

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

HON'BLE Mr.K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER

1. K.Vijayalekshmi Amma,
W/o.Ravindran Nair,
Data Entry Operator Grade B,
(under orders of repatriation
to the parent department – KELTRON),
Directorate of Census Operations,
CGO Complex, Poonkulam,
Vellayani P.O, Trivandrum.
Residing at Sreyas, Vayalikkada,
Vattiur Kavu P.O., Trivandrum – 695 013.
2. K.Prabha,
W/o.H.Mahadevan,
Data Entry Operator Grade B,
(under orders of repatriation
to the parent department – KELTRON),
Directorate of Census Operations,
CGO Complex, Poonkulam,
Vellayani P.O, Trivandrum.
Residing at Rama Kriba, TC 37/510,
West Sannidhi Street, Fort P.O.,
Trivandrum – 695 025.
3. S.Najeema,
W/o.Mohd. Iqbal,
Data Entry Operator Grade B,
(under orders of repatriation
to the parent department – KELTRON),
Directorate of Census Operations,
CGO Complex, Poonkulam,
Vellayani P.O, Trivandrum.
Residing at TC 42/226 (1),
G.H.S. (LRA) No.78, G.H.S.Lane,
Manakkad P.O., Trivandrum - 695 009.

...Applicants

(By Advocate Mr.T.C.Govindaswamy)

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Versus

1. Union of India represented
by the Secretary to the Govt. of India,
Ministry of Home Affairs, New Delhi.
2. The Registrar General of India,
Ministry of Home Affairs, New Delhi.
3. The Director,
Directorate of Census Operations,
CGO Complex, Poonkulam,
Vellayani P.O., Trivandrum – 695 552. ...Respondents

(By Advocate Mr. Millu Dandapani, ACGSC)

This application having been heard on 18th January 2010 the Tribunal on the same day delivered the following :-

ORDER

HON'BLE Mr. GEORGE PARACKEN, JUDICIAL MEMBER

The applicants belongs to the Kerala Electronics Development Corporation Ltd., Trivandrum (KELTRON for short), an autonomous body under the Government of Kerala. They have joined the 3rd respondent, namely, the Director, Directorate of Census Operations, CGO Complex, Poonkulam, Vellayani PO, Trivandrum, on deputation basis as per the terms and conditions contained in the Annexure A-2 appointment order. The 1st applicant joined the 3rd respondent on 24.3.2003 and the other two applicants joined on 14.3.2003. They were repatriated to their parent office on 31.1.2009. Their grievance in this OA is that the respondents have not drawn the Dearness Allowance, additional Dearness Allowance etc. on their basic pay in the scale of Rs.4500-7000 with effect from the dates they have joined the service of the 3rd respondent. They have, therefore, sought a direction to the respondents to grant them Dearness Allowance and other benefits on the basic pay fixed by the respondents in the scale of pay of

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Rs.4500-7000 and also to fix their pay with effect from 1.1.2006 with reference to the pay band and grade pay applicable to the deputation post of Data Entry Operator Gr.B and to direct them to grant the consequential arrears within a time frame.

2. In the reply statement the respondents have admitted that mistakes had happened in the case of fixation of their pay. For example in the case of the 1st applicant the pay and allowances allowed to her in the ex-cadre post was as under :-

1.	Basic pay including DA	Rs.6875.00
2.	HRA	Rs.1031.00
3.	CCA	Rs.180.00
4.	TA	Rs.75.00
	Total	Rs.8161.00

3. On the other hand, pay and allowances in the minimum of the scale of pay of Rs.4500-7000 in the post of DEO Grade 'B' at the time of her appointment was as under :-

1.	Basic Pay	Rs.4500.00
2.	Dearness Allowances	Rs.2475.00
3.	HRA	Rs.675.00
4.	CCA	Rs.100.00
5.	TA	Rs.75.00
	Total	Rs.7825.00

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4. They have also submitted that if the applicants pay is fixed in the minimum of the scale as above, they will be drawing basic pay as given below :-

Date	Basic Pay
14/24.03.2003	Rs.4500/-
01.03.2004	Rs.4625/-
01.03.2005	Rs.4750/-
01.01.2006	Pay in PB Rs.8840/- + Grade Pay Rs.2800/-
01.07.2006	Pay in PB Rs.9190/- + Grade Pay Rs.2800/-
01.07.2007	Pay in PB Rs.9550/- + Grade Pay Rs.2800/-
01.07.2008	Pay in PB Rs.9920/- + Grade Pay Rs.2800/-

5. The respondents have submitted that such mistakes had happened in the case of other two applicants also.

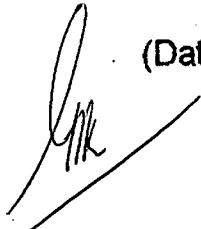
6. In order to rectify the mistake, according to the respondents, they have already initiated action and approached the Pay and Accounts Officer (Census), New Delhi who is the competent higher authority to verify and approve the case. According to them, verification and clearance by the Pay and Accounts Officer (Census), New Delhi, is a necessary procedural requirement to be followed for the drawal and disbursement of any arrears of pay and allowance. As the Pay and Accounts Officer (Census) has directed them to refer the case to the Internal Audit Wing, Ministry of Home Affairs, New Delhi, they have referred the case to that office for clearance vide letter dated 8.10.2009.

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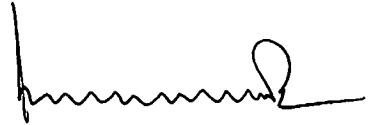
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7. In view of the above position that the respondents themselves have conceded their mistake and have taken effective steps to rectify it, we close this case by directing the respondents to finalise the cases of the applicants and grant them the consequential benefits as early as possible but in any case within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

(Dated this the 18th day of January 2010)



K. GEORGE JOSEPH
ADMINISTRATIVE MEMBER



GEORGE PARACKEN
JUDICIAL MEMBER

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