

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.140/2003.

Monday this the 24th day of February 2003.

CORAM:

HON'BLE MR.T.N.T NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

S.V.Hegde, Geologist (Sr),
Geological Survey of India,
Kureekkal Building, Edappally,
Kochi-682024. Applicant

(By Advocate Shri. S.P.Chaly))

Vs.

1. Union of India represented by the
Secretary, Ministry of Finance,
(Department of Expenditure)
Central Secretariat, New Delhi.
2. The Director General,
Geological Survey of India,
4, Chowruighee Lane, Kolkatha.
3. Deputy Director General,
Geological Survey of India,
Lower Moti Nagar,
Nongthynni, Shillong-793 014. Respondents

(By Advocate Shri M.Rajendrakumar, ACGSC)

The application having been heard on 24th February, 2003, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.T.N.T. NAYAR, ADMINISTRATIVE MEMBER

The applicant who is presently working as Senior Geologist under the Geological Survey of India at Cochin seeks a direction from this Tribunal to be issued to the 2nd respondent to accept the option exercised by the applicant as per A-2 in relation to the scale of pay recommended by the IVth Pay Commission and grant all consequential benefits available as per A-1 Office Memorandum dated 27.5.88. The applicant's contention is that while working as Junior Geologist in the North Eastern Region; the applicant could not get a copy of the A-1 Office Memorandum and that it was only when he got a posting to Bhutan that the same O.M. was

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brought to his notice. Thereupon, efforts have been made by him to opt for the revised new scales recommended by the 4th Pay Commission. Apparently, the new scales were not allowed since the option was not received in the office of the 2nd respondent in terms of A-1. The applicant made A-2 representation dated 15.1.2001 followed by various reminders such as A-4, A-7 and A-8. The last of the representations was A-8 dated 20.11.2002.

2. The applicant's case is that the A-1 Office Memorandum was not circulated in the office of the Geological Survey of India, North Eastern Region where the applicant was working and that the option could not be exercised in appropriate manner within the permitted time.

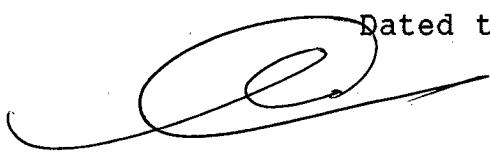
3. When the matter came up for admission, Shri M.Rajendrakumar, ACGSC took notice on behalf of the respondents. Shri S.P.Chaly, learned counsel for the applicant would submit that, several Benches of the Central Administrtrive Tribunal including the Lucknow Bench and the Principal Bench have held that, failure to exercise the option on account of the delay involved in circulating the O.M.(A1 herein) ought to be condoned and the benefit of placement in the new pay scale as recommendd by the IVth Pay Commision has to be extended by considering the fresh options. According to the learned counsel, the claim of the applicants in those cases had been considered by the Tribunal and also the benefits were given to the employees of the Geological Survey of India who are placed in identical circumstances, and that therefore, the applicant's purpose would be served, if the representations particularly A-7 representation dated 20.11.2002 was considered by the 2nd respondent and appropriate orders passed thereon.



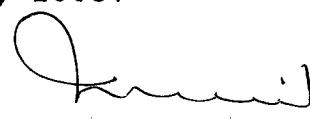
4. Shri Rajendrakumar, ACGSC has agreed that such a course of action can be taken and that the 2nd respondent may be directed to dispose of the representations and the question of allowing new scales of pay recommended by the 4th Pay Commission can be considered in the light of a fresh option in view of the delay involved in circulating the O.M.

5. In the light of what is stated above, the O.A. is disposed of directing the 2nd respondent to consider the condonation of delay in exercising the option, since the applicant cannot be held responsible for the delay and since the delay was purely on account of the fact that A-1 O.M. was received late by the applicant, and also to dispose of the representations submitted by the applicant. We also direct that consequential orders thereon be passed and the applicant be advised accordingly within a period of four months from the date of receipt of a copy of this order. No costs.

Dated the 24th February, 2003.



K.V. SACHIDANANDAN
JUDICIAL MEMBER



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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