

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 19 of 2005

Wednesday, this the 17th day of January, 2007

C O R A M :

**HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN
HON'BLE Dr. K B S RAJAN, JUDICIAL MEMBER**

K.R. Sukumaran Nair,
S/o. Late S. Raghavan Pillai,
Retired Exhibition Assistant,
Senior Grade, Indian Information &
Broadcasting Service, now residing
at Deepalayam, TC 24 /1814,
Thycaud, Trivandrum.

... Applicant.

(By Advocate Mr. M.R. Hariraj)

v e r s u s

1. Union of India, represented by
The Secretary to Government of India,
Ministry of Information & Broadcasting,
New Delhi.
2. Deputy Director (Administration),
Government of India,
Ministry of Information & Broadcasting,
DAVP B-Block, K.G. Marg, New Delhi ... Respondents.

(By Advocate Mr. T.P.M. Ibrahim Khan, SCGSC)

The Original Application having been heard on 3.1.2007, this
Tribunal on 17.1.2007, delivered the following:

**O R D E R
HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER**

The applicant, appointed as Projectionist in 1963 in DAVP was
promoted as Exhibition Assistant (General Central Service) in the scale of pay

of Rs. 1400 – 2300 in August 1984. In 1986, the said post of Exhibition Assistant was encadred in the Central Information Service (now renamed as Indian Information Services – IIS, for short) and while so inducting, the pay scale was revised to Rs. 1400 – 2600 as the said Service did not have the scale of Rs. 1400 – 2300. On the basis that the said induction did not involve any higher responsibility, those who were encadred were afforded the pay scale of Rs 1400 – 2600 invoking the provisions of FR 22(1)(a)(2) as per which, when appointment of a Government servant to the new post does not involve assumption of duties and responsibilities of greater importance, he shall draw as initial pay, the stage of the time scale which is equal to his pay in respect of the old post held by him on regular basis, or if there is no such stage, the stage next above his pay in respect of the old post held by him on regular basis. Accordingly the pay of the applicant which at the time of induction in the Indian Information Service was Rs. 2000/- in the scale of Rs. 1400 – 2300 was placed in the said stage of Rs. 2000/- in the revised pay scale of Rs. 1400 – 2600. Later on, on his promotion to the next higher post, provisions of FR 22(1)(a)(i) was adopted.

2. Earlier, as the date of applicant's regular promotion to the post of Exhibition Assistant was not properly fixed, the applicant through judicial intervention became entitled to be treated as regular Exhibition Assistant from 1984 itself, and this advancement in the date of regular promotion fetched the applicant further promotions in the Junior Grade and Senior

Grade of IIS w.e.f. November, 1986 and January, 1988 respectively. As there was a denial of arrears of pay, the applicant through order OA 1360/2000 was declared to have been entitled to the arrears of pay and when the applicant sought for details of the amount of arrears paid to him, the same was furnished to the applicant in December, 2003. On finding certain discrepancies, the applicant approached the administrative authorities for rectification of the discrepancies and for payment of full arrears due to him. One of the discrepancies according to the applicant was that his pay as of 28-11-1986 was fixed at Rs. 2000/- whereas the same should be Rs. 2,050/- and this difference had telescopically resulted in a difference in the pay as of 21-01-1993 Rs. 150/- .

3. Respondents have considered the representation of the applicant and by the impugned Annexure A-1 order dated 11-02-2004, they have informed the applicant that his pay has been correctly fixed and no revision of his pay is possible. It is this order that the applicant has filed his OA and he has, on various grounds, prayed for the following reliefs:-

- (a) to quash and set aside Annexure A-1 order;
- (b) to direct the respondents to pay the applicant revised pension and arrears of pay and pension after correctly fixing his pay at least at Rs 2,050/- and 2525/- w.e.f. 28-11-1986 and 21-01-1003 respectively with interest @ 9% per annum on delayed payment.

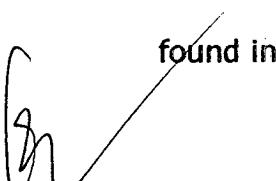
4. Respondents have contested the O.A. According to them, the pay has

been correctly fixed at all the stages and have explained the entire calculation.

5. Counsel for the applicant argued that pay as on the date of induction ought to have been under F.R. 22(1)(a)(i). He has stated that pay at the time of his promotion too was not properly fixed.

6. Respondents have reiterated their stand as in the counter.

7. Arguments were heard and documents perused. Though a week's time was granted to the counsel for filing written arguments, no written arguments were filed. It is seen from the records that on induction, since there was no additional responsibilities, FR 22(1)(a)(2) has been rightly applied and the applicant was fixed at Rs. 2,000/- as on 01-11-1987. On his promotion on 21-01-1993, to the next grade i.e. Rs. 2000-60-2300-75-3200-100-3500, when the applicant was drawing pay of Rs. 2300/- in the scale of Rs. 1400-40-1800-50-2300-50-2600, his pay was notionally incremented in the feeder scale i.e. Rs. 2350 and fitted in the higher scale of Rs. 2000 - 3500 at Rs. 2,375/-. It was this pay plus further increments upto 31-12-1995 that came to Rs. 2,600/- and the applicant was fixed in the revised pay scale of Rs 6,500 - 10,500 at Rs. 7,900/-. The calculation as given in the counter is exactly as per the rules. Hence, no fault could be found in the fixation of pay of the applicant.

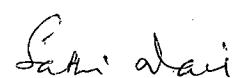


8. In view of the above, the OA is dismissed. No costs.

(Dated, the 17th January, 2007)



Dr. K B S RAJAN
JUDICIAL MEMBER



Sathi Nair
SATHI NAIR
VICE CHAIRMAN

CVR.