

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 244 of 2003

Thursday, this the 27th day of March, 2003

CORAM

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

1. T.J. George,
S/o T.V. John,
Thavoorath House, Mulanthuruthy PO,
Ernakulam Dist, now working at
Office of the Dy. Central Intelligence
Officer, 1615/D, Jawahar Nagar,
Eranjhipalam PO, Calicut-6Applicant

[By Advocate Mr. P.K. Jacob]

Versus

1. Union of India represented by its
Secretary to Government of India,
Ministry of Home Affairs, North Block,
New Delhi.
2. The Director, Intelligence Bureau,
Govt. of India, Ministry of Home Affairs,
North Block, Central Secretariat,
New Delhi-110 011
3. The Joint Director, Subsidiary Intelligence Bureau,
Ministry of Home Affairs, Govt. of India,
Mont Fort House, Thycaud PO, Vazhuthakaud,
Trivandrum.
4. The Assistant Director,
Subsidiary Intelligence Bureau,
Ministry of Home Affairs, Govt. of India,
Mont Fort House, Thycaud PO, Vazhuthakaud,
Trivandrum.
5. State of Kerala represented by its
Secretary to Government, Department of
Home Affairs, Secretariat,
Thiruvananthapuram.Respondents

[By Advocate Mr. C. Rajendran, SCGSC (R1 to R4)]
[By Advocate Mr. Renjith A, Govt. Pleader (R5)]

The application having been heard on 27-3-2003, the
Tribunal on the same day delivered the following:

O R D E RHON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

The applicant, who started his career as Police Constable in the Kerala State Police department in 1974, joined the Intelligence Bureau, Government of India, on deputation in 1986. Soon after his posting on deputation in the Intelligence Bureau, he was promoted as Junior Intelligence Officer Grade-II. By Annexure A1 order dated 13-2-1997, the applicant was absorbed with effect from 21-3-1996 in the Intelligence Bureau as Junior Intelligence Officer Grade-I. It was also stated in Annexure A1 order that, on absorption, the applicant's pay would be fixed in terms of Ministry of Home Affairs letter No. 2/EST(C)/74(1)-III-FPV dated 19.7.1983 as amended from time to time. However, as per Annexure A2, his pay was fixed on permanent absorption at Rs.4242/- directly linking it to the last pay drawn in the old scale. Thus, his basic pay was fixed at Rs.4200/- and showing Rs.42/- as Personal Pay to be absorbed in future increments. In other words, he has not gained any benefit out of the pay fixation in the light of the Vth Pay Commission recommendations on his permanent absorption in the Intelligence Bureau. According to the applicant, his pay ought to have been fixed in the old scale in the first place and thereafter he should have been given appropriate fitment in the scale fixed for the post as per the Vth Pay Commission recommendations with effect from the date of such absorption. The applicant's specific grievance is that the benefit of 40% of the basic pay of the pre-revised scale granted as per Pay Commission recommendations is not given to him with the result that as compared to even his juniors in the corresponding post, he is getting less pay. The

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applicant made several representations to the higher authorities to no avail. However, his request for advancing his date of permanent absorption for purposes of pay fixation was considered and turned down as per Annexure A7 order. The last of the representations made by the applicant with regard to pay fixation is contained in Annexure A8 dated 9-9-2002, wherein all the material facts are highlighted. So far the applicant has not received any reply.

2. When the matter came up for hearing on admission, Shri C.Rajendran, learned SCGSC took notice on behalf of respondents 1 to 4 and Shri Renjith A, learned Govt. Pleader took notice on behalf of the 5th respondent, the State of Kerala.

3. Shri P.K.Jacob, learned counsel for the applicant has pointed out that the pay fixation is ostensibly incorrect as it has resulted in denial of the benefit of 40% of weightage in respect of the basic pay drawn in the old scale. Learned counsel for the applicant would also state that in the alternative the applicant's request for postponement of his pay fixation until the Government of Kerala revised the pay of the State Government employees should not have been denied. The learned counsel would further submit that since all these relevant facts are stated in Annexure A8 representation, the purpose of this OA would be served if the respondents are directed to consider and dispose of Annexure A8 representation and issue appropriate orders thereon in accordance with the rules and the prevailing instructions on the matter. Learned SCGSC and learned Govt.Pleader do not have any objection in such a course of action being taken.

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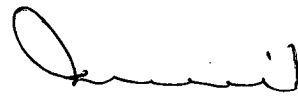
4. In the light of the submissions made by the learned counsel for the parties, we consider it appropriate to dispose of this OA by directing the 2nd respondent to cause the applicant's Annexure A8 representation to be considered judiciously in accordance with the rules, instructions and orders in force and pass appropriate orders thereon and serve a copy thereof on the applicant within a period of three months from the date of receipt of a copy of this order. Accordingly, we direct the 2nd respondent to do so.

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

Thursday, this the 27th day of March, 2003



K.V. SACHIDANANDAN
JUDICIAL MEMBER



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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