

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A No.245/2006

Friday, this the 22nd day of February, 2008.

CORAM

HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE MRS O.P.SOSAMMA, ADMINISTRATIVE MEMBER

1. O Antony,
Senior Compiler,
Directorate of Census Operation,
Trivandrum.
2. Ivy A.F.
Senior Compiler,
Directorate of Census Operation,
Trivandrum.
3. C.Sarada,
Senior Compiler,
Voluntarily Retired,
Directorate of Census Operation,
Trivandrum,
R/o Saarika', TC 6/329(6),
Karimankulam Road,
Vattiyoorkavu.P.O.
Trivandrum.
4. Achama Varghese,
SI Grade III,
Directorate of Census Operation,
Trivandrum.
5. Rose Padma,
SI Grade III,
Directorate of Census Operation,
Trivandrum.
6. Ammini P.O.,
SI Grade III,
Directorate of Census Operation,
Trivandrum.
7. S.Marykutty,
SI Grade III,
Directorate of Census Operation,
Trivandrum.

8. Dhanalakshmi Ammal S,
SI Grade III,
Directorate of Census Operation,
Trivandrum.
9. K Sukumara Pillai,
Senior Compiler,
Directorate of Census Operation,
Trivandrum.
10. V Chandrika Devi,
Senior Compiler,
Directorate of Census Operation,
Trivandrum.
11. M.R.Sreedevi Amma,
Senior Compiler,
Directorate of Census Operation,
Trivandrum.
12. B Valsala Kumari,
Senior Compiler,
Directorate of Census Operation,
Trivandrum.
13. B.Prasanna Kumari,
Senior Compiler,
Directorate of Census Operation,
Trivandrum.
14. G Sivadasan,
Senior Compiler,
Directorate of Census Operation,
Trivandrum.Applicants

(By Advocate Mr MR Hariraj)

1. Union of India represented by
the Secretary to Government of India,
Ministry of Home Affairs,
New Delhi.
2. The Registrar General of India,
2A, Mansingh Road,
New Delhi-110 011.
3. The Joint Director of Census Operations,
O/o the Directorate of Census Operation Kerala,
CGO Complex, Poonkulam,
Vellayani.P.O.
Thiruvananthapuram-695 522.Respondents

(By Advocate Mr.P.A Aziz, ACGSC)



This application having been finally heard on 14.1.2008, the Tribunal on delivered the following: 22.2.2008:

ORDER

HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

This is a joint application filed by 14 applicants who were erstwhile Compilers aggrieved by Annexure A-12, Annexure A15, Annexure A-16, Annexure A-17, Annexure-A18, Annexure A-19 and Annexure A-20 orders issued by the respondents. By Annexure A-12 order dated 4.8.2003, the applicants were informed by the respondent No.4 that the Internal Audit Party of the Department has observed from the service book of Shri Thampi N Suresh, SI Grade III that he was

"drawing a basic pay of Rs.5,300/- on 01.01.99 as Computer in the scale of pay of Rs.4000-6000. He was granted financial upgradation under ACP Scheme w.e.f. 09.08.99 in the pay scale of the next post i.e. Rs.4500-125-7000, which was later upgraded as Rs.5,000-150-8000. He had exercised option to fix his pay on accrual of next increment i.e. On 01.01.2000. Accordingly, his pay should have been fixed at Rs.5,600/- w.e.f. 01.01.2000 whereas his pay was fixed at Rs.5,750/- which is not in order and need amendment. Similar cases also to be reviewed as per the direction of audit."

Accordingly, the Respondents have carried out review of the applicants' cases also. By Annexure A-15 letter dated 16.8.2005, the respondents informed the Applicants that the said Annexure A-12 order would be implemented in their cases also and over payments made to them will be recovered from them. The applicants have made representations to the Respondent No.2, viz, the Registrar General of India, New Delhi against the aforesaid decision of the respondents to recover the over payments alleged to have been made to them. After considering those representations, vide Annexure A-16 letter dated 16.8.2005, the respondents informed the applicants that the decision of the Respondent



No.2 to follow the advice of the audit and to recover the excess payment, if any, made to them as per the aforesaid Annexure A-12 Office Order with immediate effect. The applicant No.8, Smt Dhanalekshmi Ammal who was due for retirement on 30.9.2006 was informed by Annexure A-17 letter dated 24.3.2006 that the excess amount of pay and allowances paid to her with effect from 1.1.2000 to 31.8.2005 amounting to Rs.18,467/- will be recovered partly from her pay and allowances from the month of April 2006 to September 2006 and the balance amount will be recovered from her retirement gratuity. Annexure A-18, Annexure A-19 and Annexure A-20 memos dated 24.3.2006 contain the details of the excess pay and allowances as per the Respondents' calculations, paid to the applicants and similarly placed other persons. When the O.A came up for hearing on 18.4.2006, this Tribunal directed the respondents to main status quo as on 1.4.2001 as regards recovery of pay and allowances from the applicants was concerned .

2. The applicants made representations against Annexure A-12 impugned order dated 4.8.2003. Annexure A-13 representation dated 12.9.2003 was made by one of the applicants Shri O Antony. He had submitted in his representation that under the ACP scheme, he was granted the pay scale of Rs.4500-7000 with effect from 9.8.1999 and his pay was fixed at Rs.5,625/- on 1.4.2000. He was promoted to the cadre of Statistical Assistant in the same scale of pay of Rs.4500-7000 with effect from 21.8.2000 and no further fixation of pay was necessitated. Thereafter, his post of Statistical Assistant was upgraded to the cadre of Investigator Grade III in the scale of Rs.5000-8000 with effect from 2.8.2001 and his pay again fixed at Rs.5,750/-. However, on the basis of the order dated 4.8.2003 (Annexure A-12), his pay was refixed at Rs.5,600/- with a monthly loss of Rs.150/-. He has therefore requested the respondents to protect his pay by granting personal pay as provided under F.R.9 GID No.23(a) which



reads as under:

"..to save him from a loss of substantive pay in respect of a permanent post, other than a tenure post, due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure."

3. Annexure A-14 representation dated 25.9.2003 against the impugned Annexure A-12 order dated 4.8.2003 is from another applicant herein, viz, B Valsala Kumari (applicant No.12). In her representation, she has submitted that the audit objection itself was under the wrong impression that post of Statistical Assistant was re-designated as Statistical Investigator and the scale of pay was revised from Rs.4500-7000 to Rs.5000-8000 with effect from 1.1.1996. According to her, there was no scale revision, but there was only upgradation of certain posts of Statistical Assistants as Statistical Investigators Grade III. As a result, some of the Statistical Assistants were promoted to the post of Statistical Investigator Grade III and in the scale of Rs.5000-8000 but other Statistical Assistants continued to be in the same scale of pay of Rs.4500-7000 with the revised designation of Senior Compilers. In case of reversion, a person holding the post of Statistical Investigators Grade III in the scale of Rs.5000-8000 has to be reverted as Senior Compilers in the scale of pay Rs.4500-7000 and not as Compilers in the scale of pay Rs.4000-6000. In support of her submission she has mentioned the following relevant extract of the Vth Central Pay Commission:

"Existing Hierarchy

Investigator

Rs.5500-9000(prevised 1640-2900)

Revised Hierarchy

Statistical Investigator Gr.II

Rs.5500-9000

Statistical Investigator Gr.III

Rs.5000-9000

50% by promotion from Sr.
Compiler

50% by direct recruitment



Statistical Assistant

Rs.4500-7000(pre-revised 1400-2300)

By promotion from the grade of Computer

Senior CompilerRs.4500-7000 (pre-revised
1400-2300)

by promotion from Compiler

Computer

Rs.4000-7000(pre revised Rs.1200-2040)

By promotion from Assistant Compiler Compiler

Rs.4000-6000

By promotion from Assistant
CompilerAssistant Compiler

Rs.3050-4590(pre revised)

950-1500) Direct Recruitment

Assistant Compiler

Rs.3050-4590

No change in the existing
mode of recruitment."

According to the above position, she has submitted that the post of Statistical Assistants in the revised scale of pay Rs.4500-7000 which existed prior to the revision continues with the same scale of pay Rs.4500-7000 with the new designation as Senior Compiler. Vide order dated 2.5.2001, the aforesaid recommendation of the Vth Central Pay Commission was implemented in respect of the Statistical Cadre in the Census Organisation in the following manner:

"A. STATISTICAL CADREExisting Hierarchy (figures as per
CPC Report)InvestigatorRs.5500-9000(pre-revised
scale Rs.1640-2900)75% by promotion from Stat.Asstt
and 25% by direct recruitmentRevised Hierarchy
(as per actual sanctioned
strength)Statistical Investigator Gr.I

(Rs.6500-10500)

50% by direct recruitment and
50% By promotion from Stat.
Investigator Gr.IIStatistical Investigator Gr.IIRs.5500-9000 (pre revised
scale Rs.1640-2900)By promotion from Stat.
Investigator Gr.III

Statistical Assistant
Rs.4500-7000(pre revised
scale Rs.1400-2300)
By promotion from the grade of
Of Computer

Computer
Rs.4000-7000(pre revised
Rs.1200-2040)
Compiler
By promotion from the grade of
Asstt. Compiler
Assistant Compiler
Rs.3050-4590 pre revised
scale 950-1500)
mode of
By direct recruitment

© Statistical Investigator Gr.III
Rs.5000-8000
50% by promotion from Sr.
Compiler and 50% by direct
recruitment.

(d) Senior Compiler
Rs.4500-7000(pre revised
Rs.1400-2300)
By promotion from Compiler.
Compiler
Rs.4000-6000
By promotion from Asstt.

Assistant Compiler
Rs.3050-4590
No change in the existing
recruitment"

She has also pointed out the following directions of the respondents made vide the Annexure A-6 order dated 2.5.2001 in implementation of the aforesaid recommendations of the Vth CPC:

"....the existing incumbents in the post of Investigator, Statistical Asst. Computer and Asst. Compiler may be placed in the order of seniority against the posts in the new structure of Statistical cadre having the identical pay scales or in the higher pay scales, if they have completed requisite number of years of regular service in the equivalent posts; in the existing cadre as laid down in the recruitment rules for higher posts in the new structure without conducting the formal DPC meeting. The direct recruitment quota may be used for the placement of the existing incumbents to the extent of necessary as a one time measure. In case requisite number of posts are not available in the equivalent pay scale in the new cadre, the incumbents shall be adjusted against the strength of the lower or higher posts till the posts in equivalent scale are available."

4. Accordingly, the following number of posts of Statistical Investigator Gr.III, Senior Compilers and Compilers have been sanctioned with effect from 29.9.2000:



| | | |
|---|---|-----|
| "1. Statistical Investigators Gr.III (5000-150-8000) | - | 22 |
| 2. Senior Compilers (4500-125-7000) | - | 11 |
| 3. Compilers (4000-100-6000) | - | 29" |

The post of Senior Compiler has been filled up by the placement of incumbents of post of Computer in the order of their seniority in the respective offices provided they fulfil the eligibility criteria, viz, 5 years regular service in the post of Computer, failing which 13 years combined regular service in the post of Computer and Assistant Compiler as on 30.9.2000. The remaining incumbents in the post of Computer have been placed in the grade of Compiler. The placements have been effective from 30.9.2000. Accordingly, the following Computers working as Statistical Assistants were placed in the grade of Senior Compilers in the scale of pay Rs.4500-7000 in the order of their seniority with effect from 30.9.2000:

1. O Antony
2. B Sukesh
3. B Prasannakumari
4. K Sukumara Pillai]
5. V Chandrika Devi
6. C Sarada
7. G Sivadasan
8. M.R>Sreedevi Amma
9. A Krishnakumari
- 10.P Kanakavally
- 11.Albert Thomas
- 12.Gracemma John
- 13.M Premakumari Amma
- 14.R Sundaresan Nair
- 15.R Janrdana Iyer
- 16.P Chandrasekharan
- 17.M.K.Vasudevan Namboothiri
- 18.K Narayanan Kutty
- 19.K.P.Hemanth Kumar
- 20.K Kumary Suseela
- 21.C.P.Karthiayani
- 22.Mary Joseph
- 23.A James Joseph
- 24.M Jos Raj

25.N Rejith Kumar
 26.R Jayalekshmi
 27.V.K.Suresh Kumar
 28.P.S.Jayadevi

5. Prior to the issuance of the aforesaid order dated 2.5.2001, there were 4 categories with 3 promotional posts in the case of existing cadre, and after the issue of the order dated 2.5.2001, the number of promotional have been increased to 4 with 5 categories as shown below:


| "Prior to the issue of Order dt.2.5.2001 | After the issue of order dt.2.5.2001 (with retrospective effect from 1.1.96) |
|---|--|
| 1. Assistant Compiler (Rs.3050-4590) | 1.Assistant Compiler(Rs.3050-4590) |
| 2.Computor(Rs.4000-7000) | 2.Compiler (Rs.4000-6000) |
| 3.Statistical Assistant (Rs.4500-7000) | 3. Senior Compiler(Rs.4500-7000) |
| 4. Investigator (Rs.5500-9000) | 4.Statistical Investigator Gr.III (5000-8000) |
| | 5.Statistical Investigator Gr.II (5500-9000)" |

She has further pointed out that the financial upgradation under the ACP scheme continues to be in the scale of Rs.4500-7000 even after the issuance of the order dated 2.5.2001. Therefore, the fixation of pay in the scale Rs.5000-8000 is not under the ACP scheme but on promotion to the post of Statistical Investigator Gr.III after getting the financial upgradation under ACP Scheme to the scale of Rs.4500-7000. As an example, she gave the case of one Smt V Chandrika Devi, Senior Compiler in the scale of pay Rs.4500-7000 who was promoted as Statistical Investigator Gr.III in the scale of pay Rs.5000-8000 which shows that the post of Statistical Investigator Gr.III is a promotional post from the scale of pay Rs.4500-7000 and that the scale of pay Rs.5000-8000 is not a substitute scale of Rs.4500-7000. Again, financial upgradation under ACP Scheme was granted to 26 Compilers who were in the scale of pay Rs.4000-6000 in the scale of pay Rs.4500-7000 which was the scale of pay of Statistical Assistant now re-designated as Senior Compilers in the same scale of pay. Out




of the 26 persons who were granted ACP, only 16 persons were promoted to the cadre of Statistical Investigator Gr.III in the scale of Rs.5000-8000 and the others are still continuing either as Senior Compilers in the scale of Rs.4500-7000 or Compilers in the scale of Rs.4000-6000. The fact, therefore, is that all the three posts of Statistical Investigator Gr.III (Rs.5000-8000), Senior Compiler (Rs.4500-7000) and Compiler (Rs.4000-6000) are still continuing in the Department. She submitted that the audit objection was under the wrong impression that the financial upgradation was granted from the scale of pay of Rs.4000-6000 to Rs.5000-8000. The financial upgradation was actually granted from the scale of pay of Rs.4000-6000 to Rs.4500-7000 but certain percentage of posts of Statistical Assistants (Rs.4500-7000) were upgraded as Statistical Investigator Gr.III (Rs.5000-8000) and a few persons were promoted to the post of Statistical Investigator Gr.III. Audit has objected to to their fixation of pay in the promoted post of Statistical Investigator Gr.III, treating such promotion as financial upgradation under ACP. The audit has also misconstrued the promotion granted to Senior Compilers as financial upgradation under ACP.

6. The respondents in the reply have submitted that all the applicants commenced their service as Assistant Compilers in the scale of Rs.3050-4590 and they were all promoted to the erstwhile post of Computer in the scale of Rs.4000-7000 prior to 1.1.1996. On implementation of the Vth Central Pay Commission, the pay of the applicants were fixed in the scale of pay of Rs.4000-100-6000, in the post of Computer and they have accepted the fixation of pay in accordance with the Revised Pay Rules 1997 made applicable with effect from 1.1.1996. As the applicants were initially appointed as Assistant Compiler in the scale of Rs.3050-4590 and got only one promotion as Computer in the scale of Rs.4000-7000 during their entire regular service, they were eligible to get benefit under the ACP scheme. Accordingly, they were granted financial upgradation



under ACP scheme with effect from 9.8.1999 in the scale of pay of Rs.4500-125 7000 i.e. the scale of Statistical Assistant being the next promotional grade of Computer. Consequent on grant of financial upgradation to the applicants with effect from 9.8.1999 in the scale of rs.4500-125-7000, their pay was fixed under the provisions of FR 22(I)(a)(1) based on the options exercised by them. Thereafter, the Registrar General, India (RGI), New Delhi vide order No.A.32011/2/2000-Ad.II dated 30.9.2000 (Annexure R-4) have restructured the category of Statistical Cadre with effect from 1.1.1996. As per OM No.A.32011/2/2000 dated 24.10.2000 (Annexure A-5) the effective date for placing of all Statistical Assistants in the existing Statistical cadre who were in the pay scale of Rs.4500-7000 to the post of Statistical Investigator Grade III in the scale of Rs.5000-000 was made with effect from 1.1.1996. The post of Senior Compiler was to be filled by placement of Computers in the order of their seniority and subject to eligibility with effect from 30.9.2000. The remaining computers were to be placed in the grade of Compiler. In accordance with the clarifications issued by Registrar General, India vide OM dated 12.7.2001 (Annexure R-6), though the pay scale of Statistical Assistant has already been upgraded with effect from 1.1.1996 from Rs.4500-7000 to Rs.5000-8000, their placement was only with effect from 30.9.2000. Since the pay scale was upgraded with effect from 1.1.1996, the financial upgradation under ACP scheme already given to the employees in the scale of Rs.4500-7000 was revised and they were given the scale of Rs.5000-8000 with effect from 9.8.1999, even though the placement in the post was with effect from 29.9.2000. Accordingly, their pay has been refixed vide order dated 2.8.2001 (Annexure R-7). They have further submitted that the applicants were placed in the new restricted restructured posts as per their seniority and eligibility as per Recruitment Rule and necessary orders to this effect were issued vide orders Annexures R-8 and R-9 both dated 15.6.2001 by placing Sl.Nos. 1,4, 5, 6, 7, 10,



12 and 13 as Statistical Investigator Grade III and SI.Nos. 2,3, 9, 11 and 14 as Senior Compilers. SI.No.8 has also been placed as Statistical Investigator Grade III. They were granted ACP with effect from 9.8.1999 when the scale of pay of the promotion post (Statistical Assistant) was Rs.4500-125-7000 and their pay was fixed in that scale with effect from 9.8.1999 as under as per order dated 1.6.2000 (Annexure R-3) as below:

| <u>"Pay</u> | <u>Pay in the existing scale</u> Rs.4000-100-6000 (Compiler) | <u>Pay in the higher</u> <u>scale in which ACP</u> <u>granted</u> Rs.4500- 125-7000 (Stat. Assistant Cadre) |
|--|--|---|
| Pay as on 1999 | Rs.5300 | |
| Pay as on 9.8.1999 on the date of grant of ACP | Rs.5300 | Rs.5375(stage) |
| Pay on 1.4.2000 on accrual of increments in the existing scales | Rs.5400 | |
| Grant of one notional under FR 22(I)(a)(1) | Rs.5400+ <u>Rs.100</u> Rs.5500 | |
| Pay fixed on 1.4.2000 in the higher scale, date of next increment on 1.4.2001 | | Rs.5625(stage)" |

The above fixation had been superseded when the upgraded pay scale i.e. Rs.5000-8000 came into force with effect from 1.1.1996 but while refixing the pay in the upgraded scale, the pay fixed in the scale of Rs.4500-125-7000 at Rs.5,625/- was also taken into account wrongly thereby granted one extra increment to all the applicants in the case as under:

| | | |
|---|---|------------------|
| "Pay as on 1.1.2000/1.4.2000 | - | Rs.5625 |
| One notional increment | - | <u>Rs.100</u> |
| | | 5725 |
| Pay fixed with date of next increment on 1.1.2001/1.4.2001 | - | Rs.5750 (stage)" |

7. During the course of audit, the audit authorities has pointed out that the pay fixation done by the DCO Kerala at Rs.5,750/- on 1.1.2000 is not correct



(Annexure R-10) and it should have been as per model fixation as given below:

| | <u>Rs.4000-100-6000</u> | <u>Rs.5000-150-8000</u> |
|------------------------|-------------------------|-------------------------|
| Pay as on 1.1.1999 | Rs.5300 | |
| Pay as on 9.8.1999 | | Rs.5450 |
| 1.1.2000/1.4.2000 | | Rs.100 |
| Notional increment | | Rs.5500 |
| Next Stage | | Rs.5600 |
| Date of next increment | 1.1.2001/1.4.2001 | |

The audit has also pointed out the error in fixation of pay of the applicants as below:

| <u>"Correct Pay due</u> | | <u>Wrong Pay drawn by Department</u> | |
|-------------------------|------------|--------------------------------------|------------|
| <u>Date</u> | <u>Pay</u> | <u>Date</u> | <u>Pay</u> |
| 1.1.1999 | Rs.5300 | 1.1.1999 | Rs.5300 |
| 9.8.1999 | Rs.5450 | 9.8.1999 | Rs.5450 |
| 1.1.2000 | Rs.5600 | 1.1.2000 | Rs.5750 |
| 1.1.2001 | Rs.5750 | 1.1.2001 | Rs.5900 |
| 1.1.2002 | Rs.5900 | 1.1.2002 | Rs.6050" |

8. On reverification of the service books and relevant documents of the affected employees including the applicants, the respondents found that one extra increment was granted to the applicants as elaborated above while refixing their pay in the upgraded scale of Rs.5000-150-8000 with retrospective effect from 9.8.1999. Accordingly, in accordance with the observation made by the audit their pay was refixed vide order dated 4.8.2003 (Annexure R-11) as per details given below:

| | <u>Pay in the existing scale</u> | <u>Pay in the higher scale in which ACP granted</u> |
|---|----------------------------------|---|
| | (Rs.4000-100-6000 Computer) | 5000-150-8000 (SI Gr.III) |
| Pay as on 1.1.1999 | Rs.5300 | |
| Pay as on 9.8.1999 on the date of grant of ACP | Rs.5300 | Rs.5450(stage) |
| Pay on 1.1.2000 on accrual of increment in the existing scale | Rs.5400 | |
| Grant of one notional increment under FR 22(I)(a)(1) | Rs.5400+ Rs.100 Rs.5500 | |
| Pay to be fixed on 1.1.2000/1.4.2000 in the higher scale. | | Rs.5600" |

9. We have heard Shri MR Hariraj counsel for applicants and Shri P.A. Aziz, ACGSC for respondents. According to the applicants, no revision of scale of pay for Rs.4500-7000 to Rs.5000-8000 has taken place in their cases with effect from 1.1.1996 but there was only upgradation of certain posts of Statistical Assistant to Statistical Investigator Gr.II. As a result, some Statistical Assistants continued to be in the same scale of pay of Rs.4500-7000 whereas some others have been promoted to the scale of Rs.5000-8000 with effect from 1.1.1996. According to them, the audit objection was under the wrong impression that the financial upgradation was granted to them from the scale of pay Rs.4000-6000 to Rs.5000-8000. The financial upgradation was actually granted from the scale of pay of Rs.4000-6000 to Rs.4500-7000 and only certain percentage of posts of Statistical Assistants in the scale of Rs.4500-7000 have been upgraded as Statistical Investigator Gr.III in the scale Rs.5000-8000 and only few persons have been promoted to that grade. Audit has treated such promotions as financial upgradation under the ACP scheme. The respondents have not

considered the aforesaid submissions of the applicants. Instead, vide Annexure A-15 and Annexure A-16 letters dated 16.8.2005, the second respondent, simply directed the 3rd respondent to implement the fixation as suggested by the Audit and ordered for recoveries by Annexure A-17, Annexure A-18, Annexure A-19 and Annexure A-20 orders. In one of the representations made by the first applicant dated 4/2006, (Annexure A-13), he has pointed out that he was granted ACP to the scale of RS.4500-7000 from 9.8.1999 and his scale of pay was fixed at Rs.5625/- on 1.4.2000. He was promoted as Statistical Assistant with effect from 21.8.2000 in the same grade and no fixation was granted. However, he was upgraded in the cadre of Statistical Investigator Gr.III in the scale of Rs.5000-8000 with effect from 2.8.2001 i.e. after a lapse of 2 years from his upgradation in the post of Statistical Assistant. Based on the upgradation, his pay was fixed at Rs.5750/- as on 1.4.2000. But as per the re-fixation done in his case, his pay was reduced to Rs.5600/- from Rs.5750/- with the loss of Rs.150/- per month. According to him, his substantive pay ought to have been protected by granting personal pay as provided under FR.9 GID No.23(a). Again vide, Annexure A-14 representation dated 25.9.2003, the 12th respondent has made a very detailed representation stating that the audit observation itself was wrong. In our considered opinion, neither the 2nd respondent nor the 3rd respondent have applied their mind and considered the representations of the applicants. The respondents should have individually examined the cases of the applicants in the light of the advice of the audit. In these circumstances, we direct the respondents to consider the cases of the applicants individually and pass reasoned and speaking orders. The applicants, if necessary, may submit further representations, if any, within one month from the date of receipt of this order. The applicants if they are still not satisfied by the replies of the respondents have the liberty to approach the Tribunal by filing individual original applications detailing their specific grievances. The



respondents shall not make any further recoveries from the pay of the applicants before the expiry of four weeks after their representations are disposed of. There shall be no order as to costs.

Dated, the 22nd February, 2008.



O.P. SOSAMMA
ADMINISTRATIVE MEMBER



GEORGE PARACKEN
JUDICIAL MEMBER

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