

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 280/89
XXXXXX

199

DATE OF DECISION 8.8.90

KK Kumaran _____ Applicant (s)

Mr M Girijavallabhan _____ Advocate for the Applicant (s)

Versus

The District Manager Telephones _____ Respondent (s)
Ernakulam and 3 others

Mr VV Sidharthan, ACGSC _____ Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. NV Krishnan, Administrative Member

The Hon'ble Mr. N Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

Shri NV Krishnan, Administrative Member.

This is an application filed by an employee of the Telephone Exchange Staff Tiffin Room at Thodupuzha. He submits that he was initially appointed from 1.11.82 on the pay scale of Rs 196-240 (Annexure-D). Annexure-A is the order dated 9.2.88 which states that he is appointed as a Tea Maker of the Telephone Exchange Tiffin Room, Thodupuzha in the revised pay scale of Rs 750-940 corresponding to the pre-revised pay scale of Rs 196-232 on an ad-hoc basis with effect from 16.10.86.

2 The applicant has sought the following reliefs in respect of his appointment:

(i) to declare that non-payment of salary every month to the applicant at the revised rate on the first day of every

month is illegal and improper.

(ii) to direct the respondent to pay the applicant the salary for the months of January, 1989 onwards at the revised rate in terms of the provisions in Annexure-B.

(iii) to direct the respondents to pay the arrears of salary for the periods till December 1988 at the revised rate in terms of the provisions in Annexure-B.

(iv) to direct the respondents to ensure payment of salary on the first working day of the month itself in terms of the provisions in Annexure-C.

3. The respondents have filed a reply wherein it is contended that the applicant is not entitled to any reliefs. It is, however, conceded that the persons appointed in the Canteen and Tiffin Rooms are civil servants.

However, it was contended that the applicant was appointed only on an ad-hoc basis without following the normal formalities, and hence not entitled to the reliefs claimed.

4. In regard to the reliefs claimed by the applicant, a statement was filed by the Sr CGSC on 19.3.90 indicating the gross amount of salary paid to the applicant from

December, 85 to April, 89. It is seen that for the period from December, 85 to April, 87 the applicant was paid every month a sum of Rs 688.10. Similar amounts have been paid subsequently also from February, 88 to July, 88. However, there are months where he has been paid substantially less than Rs 688.10.

5. An additional affidavit was filed on behalf of the respondents on 13th July, 90 which explains why he has been paid lesser amount than Rs 688.10 for certain

months. It is stated that the applicant remained absent on many occasions and hence there was reduction in pay.

6 We have heard the counsel. We are satisfied that the ~~pay~~ of Rs 688.10 per month represents, ~~pay~~ in the pre-revised pay scale as this amount has been paid in December, 85 itself. The pay scales have been revised from 1.1.86. Merely because it is stated that the applicant was initially appointed on an ad-hoc basis, it cannot be contended that he is not entitled to get the benefit of the revised pay scale. He has been paid on the pre-revised pay scale and therefore, when the pay scale of the post which he was holding ~~on~~ ^{an} ad-hoc basis was revised, ~~and~~ he is entitled to the payment on the basis of the revised pay scale, notwithstanding the fact that, ^{an} for argument's sake it is taken that the appointment is only on ^{an} ad-hoc basis.

7 We see from the statement dated 19.3.90 and of the respondents the additional affidavit dated 13.7.90 ~~that~~ that the payments have been made on the basis of the pre-revised pay scale and as such the applicant is entitled to the benefit of the revised pay scale. Therefore, the respondents are directed to compute the gross salary ^{and make payment of} ~~the~~ ^{to} amount ~~which~~ ⁱⁿ the applicant is entitled ~~the~~ ^{to} revised pay scale with effect from 1.1.1986, corresponding to the amount shown to have been paid to him in the statement dated 19.3.90. This payment should be made

to the applicant within three months from the date of receipt of a copy of this order.

8 The application is disposed of with the above directions and there will be no order as to costs.


(N Dharmadan) 8/18/90

Judicial Member


(NV Krishnan) 8/18/90

Administrative Member

8-8-90