

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.344/97

Monday, this the 30th day of June, 1997.

C O R A M

HON'BLE SHRI AV HARIDASAN, VICE CHAIRMAN
HON'BLE SHRI PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

....

Vijendra Babu K, Electrician,
Lakshmi Bai National College of
Physical Education,
Thiruvananthapuram.

....Applicant

By Advocate Shri G Sasidharan Chempazhanthiyil.

vs

1. Lakshmi Bai National College of Physical Education represented by its Principal, Kariavattom, Thiruvananthapuram.
2. Sports Authority of India represented by Director General, Jawaharlal Nehru Stadium, New Delhi.

Respondents

By Shri TPM Ibrahim Khan, Sr Central Govt Standing Counsel.

The application having been heard on 18th June, 1997,
the Tribunal delivered the following on 30th June, 97:

O R D E R

HON'BLE SHRI PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant is working as Electrician in the Lakshmi Bai National College of Physical Education, Thiruvananthapuram, from 27.8.87. He was appointed in the scale of Rs.210-290 (pre-revised). Subsequently, by A.3 notification, the Sports Authority of India (Engineering Gr C & D) Staff Recruitment Rules, 1992 (the Rules for short), were issued, according to which the scale of pay of Electrician is Rs.950-1500. Applicant was granted

contd.

the scale of Rs.950-1500 with effect from 30.9.89. Applicant contends that he should be granted the scale of Rs.950-1500 with effect from 27.8.87, which is the date on which he joined as Electrician. Applicant approached the Tribunal in OA 1217/96 for this relief and the Tribunal directed the second respondent therein to consider the grievance of the applicant and take a decision. This was done and by A.6 dated 29.1.97, the request of applicant was rejected. Applicant challenges A.6 and prays that A.6 be quashed and that he be declared entitled to have his pay scale revised as Rs.950-1500 with effect from the date of his appointment as Electrician on 27.8.87 with consequential benefits. Applicant relies on Rule 4 (b) of the Rules to support his claim.

2. Respondents submit that Rule 4(b) of the Rules only regularises the appointment of officials working prior to the notification of the Rules. In case any employee had been appointed on a scale different from the scale shown in the Rules, he would become entitled to that scale from the date the scale was notified as applicable to the post held by him. According to respondents, the revision of scale was taken up with the Central Government and the Central Government with effect from 30.9.89 and applicant has been placed in the higher scale with effect from 30.9.89 in accordance with the decision of the Governing Body. Respondents accordingly submit that applicant is not entitled to the scale of Rs.950-1500 with effect from the date of his appointment.

3. Rule 4(b), on which applicant relies to support his claim, refers to the initial constitution of the cadre. Rule 4(a) refers to employees working on ad hoc basis and 4(b) refers to employees working on a regular basis. The appointment order of applicant

contd.

A.2 does not indicate that applicant was appointed on an ad hoc basis and he, therefore, is governed by Rule 4(b). Rule 4(b) states:

"All the employees working on a regular basis on any of the post mentioned in the Schedule to these Rules will be deemed to have been appointed under these rules with effect from the date of initial appointment to the post."

(Emphasis added)

It is clear that applicant is to be deemed to have been appointed under the Rules with effect from the date of his initial appointment, i.e. 27.8.87. That being so, he is entitled to the scale of pay laid down in the Rules for the post of Electrician, which is Rs.950-1500, from the date of his initial appointment. The Rules do not provide for any procedure under Rule 4(b) by which the scales of pay prescribed under the Rules are to be extended to employees working on a regular basis at the time of initial constitution of the cadre. The contention of the respondents that Rule 4(b) is only for the purpose of regularisation of officials working prior to the notification of the Rules and that the scale shown in the Rules would become applicable to such employees only from the date the scales are notified as applicable to the post held by the employee is not supported by any Rule in A.3. A.3 only states that:

"3. Number of Posts, Classification and scale of pay:- The number of posts, their classification and scale of pay attached thereto shall be as specified in column 2 to 4 of the aforesaid schedule"

and in column 4 of the Schedule against the post of Electrician

contd.

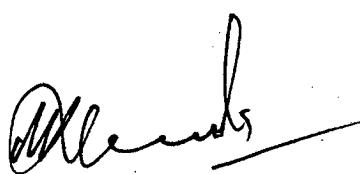
the pay scale shown is Rs.950-1500. It is, therefore, clear that the applicant is entitled to be paid the scale of pay laid down in A.3 Rule from the date of his initial appointment as provided for in Rule 4(b) of the Rules.

4. The application is allowed and A.6 is quashed. The respondents are directed to revise the scale of pay of applicant to Rs.950-1500 with effect from 27.8.87 and pay the applicant consequential arrears. This shall be done within three months of today.

5. No costs.

Dated the 30th June, 1997.


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


AV HARIDASAN
VICE CHAIRMAN

LIST OF ANNEXURES

1. Annexure A2: True copy of appointment order No.Estt(G)/1058/87 dated 18.8.87 issued by 1st respondent.
2. Annexure A3: True copy Engineering Group C & D Staff Recruitment Rule 1992 issued by 2nd respondent.
3. Annexure A6: True copy of the Order No.13(112)/96 Admn dated 29.1.1997 issued by 2nd respondent.

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