

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

OA No.326 of 2006

Date of order : 25-3-08

C O R A M

Hon'ble Ms. Sadhna Srivastava, Member [J]
Hon'ble Mr. Amit Kushari, Member [A]

Krishna Vir Prasad Singh son of Late Lotan Singh age about 58 years resident of Main Pura, Danapur Cantt., Patna employed in J.O.B. Sub Area signal Coy., Danapur Cantt., Patna.

..... Applicant

- By Advocate : Shri Rajesh Kumar

Vrs.

1. The Union of India, through the Secretary to the Govt. of India, Ministry of Defence, South Block, New Delhi.
2. The Director General Sigs – 4(C), Signal Directorate, Army Headquarters, New Delhi:- 110011.
3. O. IC Signal Records, Jabalpur (MP)
4. Officer Commanding J.O.B. Sub-Area Signal Coy., Danapur Cantt. (Patna), Pin- 801503.
5. Controller of Defence Accounts (EC), Rajendra Path, Patna- 800019.
6. Comptroller General of Defence Accounts, West Block-V, R.K. Puram, New Delhi:- 110066.

..... Respondents.

- By Advocate : Shri R.K. Choubey.

ORDER

Amit Kushari, M[A]:

The applicant was posted as CSBO- Gr. I in the Signal Company, Danapur in the pay scale of Rs. 1200-2040/- . His grievance is that his pay has not been fixed correctly w.e.f. 1.1.1996 with the implementation of the 5th Pay Commission Recommendations. As a result of the implementation of the 5th Pay Commission Recommendations the pay scale of Rs. 1200-2040/- was converted into the pay scale of Rs. 4000-100-6000/- . However, the Ministry of Defence by a separate order dated 27.02.2007 also upgraded the pay scale of CSBO- Gr. I from Rs. 4000-100-6000/- to Rs. 5000-150-8000/- w.e.f. 1.1.1996. In the meantime, the applicant completed 26 years of service in this grade also on 1.1.1996 and, therefore, became entitled for a time bound promotion to the next higher scale of Rs. 5500-175-9000/- . Since three revisions occurred on the same date, i.e. 1.1.1996, a confusion was created in the mind of the applicant regarding his pay fixation. After giving him the benefit of three revisions, the respondents fixed his pay finally at Rs. 6025/- in the pay scale of Rs. 5500-175-9000/- . The applicant claims that he should have been placed in the next higher rung of the ladder, i.e. Rs.6200/-.

2. Shri Rajesh Kumar appearing on behalf of the applicant says that the respondents have given him the benefit of only two bunchings whereas they ought to have been given him three bunchings as per the Rules of pay fixation. Shri R.K.

for

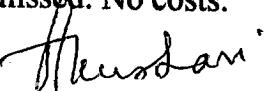
Choubey, the learned ASC appearing on behalf of the respondents pointed out that the applicant has been given the benefit of three bunchings. He draws our attention to the Revised Pay Rules of 1997 of Swamy's Compilation and draws our attention to page No. 149 Table No. S-7 in which it is clearly tabulated as to how persons in the pay scale of Rs. 1200-2040/- will be placed in the revised scale of Rs. 4000-100-6000/- . The applicant's basic pay at the time of pay revision was Rs. 1760/- . The table shows that it will be fixed at Rs. 5400/- in the new pay scale. When this pay scale was upgraded to Rs. 5000-150-8000/- he was given the benefit of 3 bunchings ($3 \times 100 = 300$) which takes his pay to Rs. 5700/- . Since in the new pay scale of Rs. 5000-150-8000/-, there is no stage of Rs. 5700/- but there is a stage available at Rs. 5750/-, his pay was fixed at the next stage, i.e. Rs. 5750/- . When his pay was to be fixed after time bound promotion in the pay scale of Rs. 5500-175-9000/- he was given the benefit of another Rs. 150/- increment which takes his basic pay to Rs. 5900/- . Now, he had to be placed in the pay scale of Rs. 5500-175-5850-6025-6200-175-9000/- . The nearest higher stage in this ladder is Rs. 6025/- and, therefore, the pay of the applicant was fixed at Rs. 6025/- in the new pay scale of Rs. 5500-9000/- . There was no scope of fixing his basic pay at Rs. 6200/- which is one stage higher than his entitlement. Shri Rajesh Kumar, learned counsel for the applicant points out that since the applicant's basic pay has been revised from Rs. 1200-2040 to Rs. 5000-8000/- with the subsequent upgradation his pay fixation should not be governed by Table S-7 of the Swamy's

Compilation of Revised Pay Rules of 1997, rather it should be governed by S-9 at page 152 and his basic pay should have been fixed at Rs. 5450/- . He should have been given bunching at the rate of Rs. 150/- i.e. an amount of Rs. 450/- should have been added to Rs. 5450/- to fix his pay at Rs. $5450+Rs. 450 = Rs. 5900/-$. Thereafter, when he gets the time bound promotion an increment of Rs. 150/- would be added to his figure of Rs. 5900/- to take it to Rs. 6050/- and thereafter his pay should be fixed in the pay scale of Rs. 5500-175-6025-6200-175-9000/- . The nearest higher rung in the ladder comes to Rs. 6200/- and , therefore, his pay should be fixed at Rs. 6200/- in the new pay scale.

3. We have carefully considered the arguments of both sides. It is quite clear to us that the arguments of Shri Rajesh Kumar are arithmetically incorrect and his calculations are fallacious. In the table S-9 there is no stage like Rs. 1760/- and the nearest stage is only Rs. 1750/- which is converted to Rs. 5450/- . The simple reason for this is that there can be no conversion from the scale of Rs. 1200-2040/- to Rs. 5000-8000/- straightway. The table S-9 deals with conversion of Rs. 1400-2600/- to Rs. 5000-8000/- . This table is not applicable for the applicant since the applicant was not in the scale of Rs. 1400-2600, but was in the scale of Rs. 1200-2040. The table which is applicable to the applicant is clearly S-7 and according to this table his pay has to be fixed at Rs. 5400/- on pay revision and not at Rs. 5450/- and since the pay scale of Rs. 4000-6000/- has annual increment of Rs. 100/- he will only get Rs. 300/- as bunching benefit and not at Rs. 450/- as has been



calculated by him. The calculations made by the respondents are perfectly alright and according to the Rules of pay revision. We do not, therefore, find any merit in this application. The applicant has only wasted the valuable time of this Court through a frivolous application which is totally misconceived. The O.A. is dismissed. No costs.


[Amit Kushari]/M[A]

srk.


[Ms. Sadhna Srivastava]/M[J]