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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, 'GULESTAN' BLDG.NO.6  
BOMBAY  
CIRCUIT SITTING AT PANAJIM, GOA

OA 292/89

Shri V A Vasudevaraju  
55 INDRANAGAR  
GORIMEDU  
PONDICHERY-605 006

..Applicant

V/s.

1. Union of India  
through Secretary  
Department of Personnel  
Min. of Personnel & Training  
New Delhi 110001
2. Secretary  
Ministry of Home Affairs  
(Union Territories Section)  
New Delhi 110001
3. Chief Secretary  
Government of Pondicherry  
Pondicherry 605 001
4. Accountant General-II  
Tamilnadu & Pondicherry  
(Resident Audit Unit, Pondicherry)  
Madras 600018
5. Secretary  
Union Public Service Commission  
Dholpur House  
Shahjahan Road  
New Delhi 110011

..Respondents

CORAM: Hon. Shri Justice U C Srivastava, V.C.  
Hon. Shri M Y Priolkar, Member (A)

Appearance

Shri R K Shetty  
Counsel  
for respondents

ORAL JUDGMENT:  
(PER: U C Srivastava, Vice Chairman)

DATED: 26.8.1991

The applicant who was appointed to the Indian Administrative Services (IAS) Cadre under Rule 8(2) of the IAS rules i.e., from Other Non-State Services has approached this Tribunal in the matter of fixation of his pay praying that the respondents be directed to fix his pay on par with the Direct recruits under the Indian Administrative Service (Pay) Rules 1954 by applying Rule 10 of these rules and fix his pay at Rs.2000 in the scale of Rs. 2000-2250 (Third Pay Commission scale of Senior

scale to IAS) as he was appointed to IAS through UPSC and the Department of Personnel has adhered to pay drawn by the Direct recruits in his 13th year of service but not followed the same principle in fixing the applicant's pay in his 14th year of service. The applicant who served for 14 years in 3 different organisations was working as Director, Pilot Research Project Centre, in the senior Class-I scale of Rs.710-40-1100-50/2-1250, prior to his appointment through UPSC in organisation May 1971. The said ~~post~~ was redesignated as Planning and Research Department, and he was appointed as Director in the redesignated post and organisation.

The applicant was selected to IAS cadre in the year 1984 and joined his duty on 27.6.1984 as Revenue Secretary-cum-Collector of Pondicherry. He was transferred to Mizoram in May 1985 and thereafter to Goa, in the year 1988 as Secretary, Goa Public Service Commission, which post he is still holding. The basic pay of the applicant was fixed at Rs.1660 in the senior scale of IAS with effect from 27.6.1984 with an indication that the next increment would be with effect from 1.6.1985. An office order in this regard was issued. Some objection was raised by the Accountant General, Tamil Nadu and Pondicherry and it was decided that the case may be reviewed and ultimately the Department of Personnel and Training has decided to refix the pay of the applicant at Rs. 1600 with effect from 27.6.1984. <sup>revised</sup> The order was implemented. The applicant being dissatisfied preferred a representation placing reliance on rule 22(c) of the Fundamental Rule. The applicant raised a grievance that the department has applied sub-rule 6 of Rule 4 of IAS (Pay) rule 1954 and the fundamental rules have been overlooked altogether.

Failing to get any relief the applicant has approached this Tribunal.

The respondents have opposed the claim of the applicant and according to them the applicant's pay was correctly fixed, taking into consideration the definition of actual pay and higher pay as amended in the year 1979. It has been pleaded that the applicant's pay was correctly fixed under Rule 6 of IAS pay rules as he was correctly given pay fixation as per rules applicable to Members of Other State Service and when a specific rule was applicable there was no question of applying it with the fundamental rules.

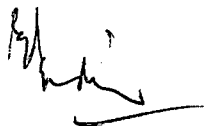
We have heard the applicant who has appeared in person. The applicant contended that gross injustice has been done to him as after serving 14 years he was taken into IAS service because of his outstanding merit. So far as the pay fixation is concerned the benefit of the same is not give to him and as a matter of fact he should have been put on par with other direct recruits. The question of putting <sup>the applicant</sup> with direct recruits does not arise as the recruitment rules for members of Other State Services are specifically formed. The applicant joined the IAS service as a Member from Other State Services and so far as he is concerned Rule 6 is applicable. He has not been able to point out that while in applying Rule 6 in his case any mistake has been committed. The applicant <sup>mis-</sup> contended that his case was a fit case in which exemption and relaxation should have been granted under Rule 10 of IAS pay Rules read with Sec. 3 of the Schedule 2 regarding fixation of initial pay of member a State Civil Service falling under rule 4(5) as great hardship was caused to him. Obviously it was a matter for the Central Government to consider taking into consideration the totality of the circumstances. So far as exemption and relaxation are concerned

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the Tribunal is not competent to grant any exemption or relax any of the conditions, for it is within the exclusive jurisdiction of the Central Govt. to do so. The applicant may have a good case for exemption and relaxation even then the same has to be granted by the Central Government. The applicant states that within one month from to-day he would be making an application to the Central Government and appropriate authorities for exemption and relaxation in the condition as referred to above claiming higher pay scale and emoluments. If that be so there appears to be no reason why the Central Government and appropriate authority will not after taking into consideration the totality of the circumstances stated by the applicant dispose it within a period of three months.

With the above observations the application is disposed of. The applicant's case may be disposed of within three months from the day of application that he would make as he is due to retire *shortly*.



( M Y PRIOLKAR )  
MEMBER(A)



( U C SRIVASTAVA )  
VICE CHAIRMAN