

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, MUMBAI-1

O.A. No. 543/96

Dated : 9.4.1997

Coram : Hon. Shri B.S. Hegde, Member(J)
Hon. Shri P.P. Srivastava, Member(A)

Ceasar N R Moraes
Junior Technical Assistant
National Institute of Oceanography
Dona Paula Goa
R/a. House No.46 Maina Curtorim,
Salcette, Goa 403709
(By Adv. Mr. Nitin Sardesai) ..Applicant

V/s.

1. The Director General
CSIR, Anusundhan Bhavan,
Rafi Marg, New Delhi

2. Director,
NIO, Dona Paula, Goa

(By Mr. S.N. Joshi, Counsel) ..Respondents

ORDER

(Per: B.S. Hegde, Member(J))

Heard the applicant's counsel Mr. Nitin Sardesai and Mr. S.N. Joshi, Counsel for the respondents.

2. The short point for consideration in this application is regarding counting of service rendered under the sponsored projects/schemes for assessment, pay fixation and carryforward of leave etc., after appointment on regular basis.

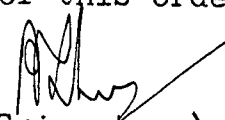
3. The applicant was appointed as Technical Assistant, scale Rs.425-700 w.e.f. 26.2.1985 and his services were renewed every six months under the sponsored scheme of CSIR and was regularised on 7.3.1993 in the post of Technical Assistant. After regularisation he was given the scale of Rs.1400-2300 and was fixed in


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the initial pay of Rs.1400/- whereas at the relevant time the applicant was drawing basic pay of Rs.1720/-. Thus it is observed that the pay of the applicant has been reduced from Rs.1720/- to Rs.1400/-. In the impugned order dated 27.7.95 the respondents state that the applicant is not entitled for any benefits of the scale which he was drawing prior to absorption as he was appointed after 13.1.1981.

4. Ld. Counsel for applicant drew our attention to letter dated 27.12.83 which makes it abundantly clear that another employee Gavin Walker who was appointed as Junior Technical Assistant under sponsored projects w.e.f. 1.6.82 has been regularised on 27.4.1983 and he has been permitted to draw the increment w.e.f. 1.6.83. The grievance of the applicant is that same treatment is not given to him and he has been deprived of the benefit of service rendered before regularisation.

5. Under the circumstances we do not see why *the* same benefit as given to Walker should not be given to the applicant while fixing his pay on absorption. We, therefore, direct the respondents to fix the pay which the applicant was drawing before absorption in the scale Rs.1400-2300 and give further annual increments in that scale and also pay the arrears due to pay fixation within three months from the date of receipt of a copy of this order. No order as to costs.


(P.P. Srivastava)
Member(A)


(B.S. Hegde)
Member(J)