

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

TODAY THE TWELFTH NOVEMBER, 1986

Present: Hon'ble Mr Justice K.S.Puttaswamy Vice Chairman
Hon'ble Mr P.Srinivasan Member (A)

REVIEW APPLICATION NO. 11/86
(A.No. 1587/86)

Jagannathrao Srinivas Rao Shahapurkar
Retired Govt servant,
Resident of Plot No. 30
CTS No. 4842-A Sadashiv Nagar
Belgaum

...Applicant

Vs

1. Union of India, the Secretary, Government of India, Ministry of Finance, Department of Defence, South Block, New Delhi-110 001.
2. The Controller General of Defence Accounts R.K.Puram, West Block, New Delhi 110 022.
3. The C.D.A.(O.Rs) South Teyneyampeth, Madras. 600 018.

... Respondents

(Shri M.Vasudeva Rao ... Advocate)

This review application has come up before Court today for hearing. Member(A) made the following:

O R D E R

In this application, the applicant wants us to review our order dated 1.10.86 by which we dismissed his application no. 1587/86 as delayed. He desires that we should hear him on merits and review that order.

2. In order to decide whether we should allow the review application, we have heard the applicant fully on the merits of the claim made in his original application. We have also heard Shri M.Vasudeva Rao, learned counsel for the respondents. After hearing both the parties, we

...2/-

P. S. - Yes

find that the original application cannot stand even on merits.

3. The claim in the original application was that when the applicant was appointed to the selection grade from 1.4.71, his pay in the selection grade should have been fixed at Rs. 320 and not at Rs. 305 as was done by the respondents. He was drawing Rs. 300 in the lower grade which was the maximum in the lower grade before his promotion and he had remained at that stage for more than one year. He points out that there was no equivalent stage in the selection grade because the payscale of that grade moved from 290 to 305 with an increment of Rs. 15. His contention is that his pay should have been fixed at one stage above Rs. 305 i.e., Rs. 320. For this, he relies on letter dated 5.12.77 issued by the M/o Finance and particularly the last sentence of that letter which reads as follows:

"In other words, if there is a stage corresponding to the maximum of the ordinary grade in the selection grade, an officer who is promoted to the selection grade after he has served in the maximum of the ordinary grade for a year or more would be entitled to his pay in the selection grade being fixed at the next higher stage." (Emphasis supplied)

It will be noticed immediately that sentence extracted above speaks of a situation where there is a stage in the selection grade equivalent to the maximum of the ordinary grade and in such a situation the pay of the Government servant in the selection grade is required to be fixed giving him one increment over that stage in the selection grade. The general rule on the subject prior to this was that if there is a stage equivalent to the maximum of the ordinary grade in the selection grade, the Govt. servant promoted to the selection grade should be fixed at that stage and it is that rule which was sought to be changed.

P. D. J. U.

...3/-

The other situation is where there is no corresponding stage in the selection grade equivalent to the maximum of the pay of the ordinary grade. In this second situation, the pay of the Government servant in the selection grade has to be fixed at the point in that grade immediately above the maximum salary he drew in the ordinary grade. This position stands unaffected by the change in the extract quoted above relied upon by the applicant. The applicant is covered by this second situation, while the extract from the letter given above deals with the first situation. This extract does not provide that even in a situation where a Government servant's pay in the selection grade is under normal rules to be fixed at a point in the selection grade above the maximum of the ordinary grade he should still be given one more increment in the selection grade. Thus, the letter of the Finance Ministry relied upon by the applicant does not apply to his case and cannot help him.

4. Since we find that even on merits, the applicant has no case, we reject the application for review. There will be no order as to costs.

Mr. Verma 14/11/86
VICE CHAIRMAN P. S. *Ua*
12/11/86
MEMBER (A) (PS)

SR