

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 12TH DAY OF SEPTEMBER 1986

Present : Hon'ble Justice K.S. Puttaswamy,

Vice-Chairman

Hon'ble Shri P. Srinivasan

Member

Applications No.673 to 676/86(T)

Shri Thimmaiah,
S/o Shri Venkatarangaiah,

Shri K. Padmanabhan Nambiar
S/o Late Shri C.Chandu KuttiNambiar

Shri C. Chikkaiah
S/o Late Shri Chikkaiah

Shri S. Gopalakrishna,
S/o Shri P. Subbayyan

All are working as Constables,
Central Bureau of Investigation,
Office of Superintendent of Police,
No.223, Bellary Road,
Sadashivanagar, Bangalore-560 080.

Applicants

(Shri C.N. Kamath .. Advocate)

Vs.

The Central Bureau of Investigation,
Special Police Establishment Division,
Bangalore represented by its
Superintendent of Police,
No.223, Bellary Road,
Sadashivanagar,
Bangalore-560 080.

The Government of India represented by
its Administrative Officer (E),
Central Bureau of Investigation
Ministry of Home Affairs,
Department of Personnel & Admn. Reforms,
Kota House Hutments, Shahajan Road,
New Delhi - 110 011.

Respondents

(Shri M. Vasudeva Rao .. Advocate)

The application came up for hearing before Court today.

Member (A) made the following:

ORDER

The four applicants before us filed Writ Petitions numbers
1370 to 1373 of 1981 before the High Court of Karnataka which, on

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have been taken onfile as Application Nos. 673-676/86.

2. All the four applicants were originally working as Police Constables in the Karnataka Police Service. On different dates, they were deputed to the Central Bureau of Investigation. All of them were offered the choice to be absorbed in the Central Bureau of Investigation on a permanent basis and on their agreeing to this, they were duly absorbed in the CBI with effect from 1.3.1977 by Office Order dated 19.8.1977 (Annexure E) passed by the Superintendent of Police, SPE, CBI, Bangalore. Soon after, their pay in the post of constable in CBI was fixed by another Office Order dated 27.4.1978 which reads as follows (Annexure F):

"OFFICE ORDER NO.52/1978.

The following 4 constables have been permanently absorbed in the Central Bureau of Investigation with effect from 1.3.77. Hence their pay in the Central Scale is fixed as noted below with effect from 1.3.1977 :-

1. Shri K. Padmanabhan Nambiar	Rs. 270 + Rs.70.00 PP
2. Shri Gopalakrishnan	Rs. 270 + Rs.70.00 PP
3. Shri C. Chikkaiah (in the scale of Rs.210-4-250-EB-5-270)	Rs. 270 + Rs.70.00 PP
4. Shri Thimmaiah (in the scale of Rs.225-5-260-6-290-EB-6-308)	Rs. 308 + Rs. 70.00 PP"

3. More than 2½ years later, on 3.1.1981, the Superintendent of Police, CBI, SPE Division, Bangalore, passed another Office Order by which the pay of all these applicants on initial absorption in the CBI was refixed. The Order which appears at Annexure G reads as follows:-

"OFFICE ORDER NO.2/81

In modification of this office order No.52/78 dated 27.4.1978, and in accordance with Head Office Wireless Message No.6/K 12012/6/80/A.D. III dated 25.12.80 the pay of the following 4 constables (who have been permanently absorbed in the CBI w.e.f. 1.3.1977) has been refixed in the Central Scale as noted below w.e.f. 1.3.1977)

S/Shri

1. K. Padmanabha Nambiar, FC	Rs. 226 + PP 18.50
2. S. Gopalakrishna, FC	Rs. 226 + PP 18.50
3. C. Chikkaiah, FC (in the scale of Rs.210-4-250-EB-5-270)	Rs. 226 + PP 18.50
4. Thimmaiah, FC (in the scale of Rs.225-5-260-6-290-EB-6-308)	Rs. 260 + PP 12.50"

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No reasons have been assigned in the second mentioned Office Order for refixing their initial pay in the CBI at a lower figure in respect of each one of them. All the applicants are aggrieved with this order by which they have been put to considerable loss.

4. It has been urged by Shri C.N. Kamath, learned counsel for the applicants that when they were absorbed in the CBI, the pay of the applicants was fixed taking into account the pay drawn by them earlier in the Karnataka Police and that by the revised fixation of pay, their pay has been brought below what they would have drawn if they had continued in the Karnataka Police. He complains that this is wholly irregular and irrational on the face of it and no reason has been given for this volte face. Shri Kamath also urged that the conditions of service of the applicants cannot be altered to their disadvantage without giving them a hearing.

5. Shri M. Vasudeva Rao, learned Standing Counsel for the Central Government appearing for the respondents strongly supported the orders passed by the respondents in the cases of all the four applicants, before us.

6. Having considered the matter carefully, we are convinced that the order by which the pay of the applicants has been refixed at a lower level than was done at the beginning, is totally arbitrary and irrational. No basis is furnished for such a refixation. We, therefore, hold that the Office Order dated 3.1.1981 (Annexure G) deserves to be struck down as arbitrary and irrational.

7. In the result, we quash the impugned order dated 3.1.1981 and direct the respondents to regulate the pay of the applicants from time

P. S. - *[Signature]*