

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
.....

Commercial Complex (BDA),  
Indiranagar,  
Bangalore- 560 038.

Dated: 13 Nov 87

APPLICATION NO 832 / 87 (F)

W.P.No. \_\_\_\_\_

APPLICANT

Vs

RESPONDENTS

D. Karupiah  
To

The Secy, Min. of Labour, N. Delhi  
and 3 Ors.

1. Sri A. Karupiah,  
C/o Sri M. Raghavendra Achar,  
Advocate,  
No. 1074 & 1075, 2nd  
Mangamallik Mandira Road,  
Nysore Bank Colony, 4th Cross,  
Bangalore - 50.
2. Sri M. Raghavendra Achar,  
Advocate (Address as above).
3. The Secretary,  
Ministry of Labour,  
Government of India,  
224, Rafi Marg,  
Shyam Shakti Bhawan,  
New Delhi - 110 001.

4. The Director,  
Fosconan Training Institute,  
Juvokur Road, Bangalore - 25.
5. The Director / Principal,  
Advanced Training Institute,  
Gill Road, Ludhiana - 14100.
6. The Deputy Director,  
RVTI for Women,  
Hosur Road,  
Bangalore - 560029.
7. Sri M. Varadava Rao,  
Advocate (C.A.S.C.),  
High Court Building,  
Bangalore - 1.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~

~~INTERIM ORDER~~ passed by this Tribunal in the above said application  
on 9 Nov 87.

RECEIVED - 16/11/87

Diary No. 1421/CB/87

Date: 12-11-87

Encl: as above.

SECTION OFFICER  
(JUDICIAL)

P

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE

DATED THIS THE 9TH NOVEMBER 1987

Present: Hon'ble Shri P. Srinivasan

Member (A)

APPLICATION NO. 832/87(F)

Shri A. Karupaiyah,  
Retired Senior Technical Assistant,  
(Purchase), Regional Training  
Institute (Women),  
Hosur Road, BANGALORE-560029.                      ...                      Applicant  
vs                      (Shri M.R.Achar, Advocate)

1. The Secretary,  
Ministry of Labour,  
Government of India,  
2 & 4, Rafi Marg,  
Shram Shakti Bhavan,  
NEW DELHI-110001
2. The Director,  
Foreman Training Institute,  
Tumkur Road,  
BANGALORE-560029.
3. The Director/Principal,  
Advanced Training Institute,  
Gill Road,  
LUDHIANA-141003.
4. The Deputy Director,  
RVTI for Women,  
Hosur Road,  
BANGALORE-560029.                      ...                      Respondents

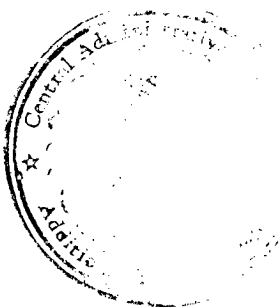
(Shri M.Vasudeva Rao, Advocate)

This application has come up for hearing before  
this Tribunal today. Hon'ble Shri P.Srinivasan, Member(A),  
made the following:

ORDER

In this application, the applicant is aggrieved  
with the fixation of his pay for the period 23-7-1972 to  
1-10-1977 conveyed to him in an office order dated 6-4-1987

P. Srinivasan



issued by the Director, Foreman Training Institute (FTI), Bangalore, Respondent No.2 (Annexure M to the application).

2. The applicant, who was working as Maintenance Electrician at the Central Training Institute, Ludhiana, in the pay scale of Rs 250-380 was sent on deputation at his request as Maintenance Electrician, FTI, Bangalore - a post carrying the same scale of pay at the time, with effect from 23-7-1972. He was not entitled to deputation allowance as he was taken on deputation at Bangalore at his own request. His pay as Maintenance Electrician at Bangalore from 23-7-1972 was fixed at the same figure which he was drawing at Ludhiana. Subsequently, the applicant was promoted at Bangalore itself with effect from 1-10-1977 and appointed as Senior Technical Assistant in the Regional Vocational Training Institute (RVTI), Bangalore, in the pay scale of Rs 650-960. As a result of a decision of the Government conveyed in January 1977 laying down principles for creation of Selection Grade in various categories of posts, a selection grade of Maintenance Electrician was created at Ludhiana from a retrospective date in 1971 by orders passed in or after January 1977 in the pay scale of Rs 550-30-700. The applicant was appointed to the said selection grade with retrospective effect from 5-9-1971 - a date on which he was still working in Ludhiana. The order appointing him to the selection grade retrospectively from 5-9-1971 was passed on 20-8-1980 (Annexure E to the application). As a consequence, for the period from 5-9-1971 to 22-7-1972 when the applicant was actually working at Ludhiana, he was allowed to draw pay of Rs 550/- in place of the pay earlier drawn by him in the then

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prevailing scale of Rs 250-380. The applicant's request for consequent upward revision of pay from 23-7-1972 onwards when he came to FTI was the subject matter of Application No. 1648 of 1986 (T) before this Tribunal. Disposing of the said Application by its Order dated 21-10-1986, this Tribunal directed the respondents therein to dispose of the representation made by the applicant in that regard within four months of that order. It was in compliance with the aforesaid order of this Tribunal dated 21-10-1986 that the impugned office order dated 6-4-1987 was passed by Respondent 2. By this order the applicant was allowed to draw pay at the rate of Rs 550 per month from 23-7-1972 to 31-12-1973 when he was working at Bangalore. With effect from 1-1-1973, the pay scale of Maintenance Electrician at FTI, Bangalore, was revised to Rs 440-750 as a result of the recommendations of the Third Pay Commission. On the basis of the pay of Rs 550/- which was allowed to the applicant upto 31-12-1972, his pay in the revised grade of Maintenance Electrician at Bangalore was fixed at Rs 750/-, the maximum of the grade of the said post. He continued on this pay till 30-9-1977 because there was no further increment to be drawn in that scale. From 1-10-1977, he was promoted to the post of Senior Technical Assistant in the RVTI which carried a pay scale of Rs 650-960. Since he was already drawing Rs 750/- in the lower post, his initial pay as Senior Technical Assistant was fixed at Rs 775/- from 1-10-1977.

3. The contention of Shri M.R.Achar, learned counsel for the applicant, is that long after the applicant had come on deputation to FTI, Bangalore (in July 1972) and even after he was promoted at Bangalore itself as Senior Technical



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Assistant and posted to RVTI in 1977, he was given retrospective promotion at Ludhiana to the selection grade of Maintenance Electrician in the pay scale of Rs 550-30-700 from 5-9-1971. He was naturally entitled to draw the initial pay in that scale from 5-9-1971 to 22-7-1972 during which period he was still functioning at Ludhiana. Thereafter, his pay scale should have been protected and he should have been allowed to draw increments in the scale of Rs 550-30-700 to which he was entitled prior to coming to FTI, Bangalore. From 1-1-1973 the selection grade was revised to Rs 740-880 and the applicant should have been allowed pay and increments in this revised grade from 1-1-1973 instead of being paid at the maximum of Rs 750/- or the revised scale of Maintenance Electrician at Bangalore. The pay that he would in this manner have been entitled to draw as on 30-9-1977 should, in turn, have been taken into consideration for determining his initial pay in the scale of Rs 650-960 in the post of Senior Technical Assistant in RVTI Bangalore to which he was appointed from 1-10-1977.

4. Shri M. Vasudeva Rao, learned counsel for the respondents, contended that in the FTI, Bangalore, there was no post in the grade of Rs 550-700 prior to 1-1-1973 and the question of continuing the appointment in that scale from 23-7-1972 or fitting him in the corresponding revised scale after 1-1-1973 did not arise. No selection grade post existed at Bangalore on 23-7-1972 and no such grade was created retrospectively at Bangalore as was done at CTI, Ludhiana. The respondents, however, allowed the applicant the pay of Rs 550/- from 23-7-1972 upto 31-12-1972 even though it was much more than the maximum of the scale of the

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post held by the applicant at FTI Bangalore i.e. Rs 380/-.

From 1-1-1973, the <sup>at</sup> ~~revised~~ pay scale of Maintenance Electrician at Bangalore was revised to Rs 440-750 and the applicant was fixed at the maximum of this scale, taking into account the salary of Rs 550/- allowed to him during the earlier period. This being the maximum of the scale, the applicant could not earn any increment till he was promoted to the post of Senior Technical Assistant at RVTI, Bangalore, with effect from 1-10-1977. Shri Rao therefore pleaded that the fixation of the pay of the applicant upto 30-9-1977 had been done correctly and did not require any interference by this Tribunal.

5. I have considered the rival contentions carefully. One fact that is admitted on both sides is that the applicant came on deputation with effect from 23-7-1972 to FTI Bangalore from CTI Ludhiana and that he continued to remain on deputation till 11-1-1977 when he was absorbed as a regular incumbent at FTI Bangalore. Prior to 11-1-1977, therefore, the applicant <sup>was a</sup> was not regular employee of FTI, Bangalore, having been deputed to that organisation from CTI, Ludhiana. CTI, Ludhiana, could call back the services of the applicant at any time prior to 11-1-1977. That being so, the applicant was entitled to be continued in the same scale of pay in which he was working at Ludhiana prior to his deputation to FTI, Bangalore, till 10-1-1977 i.e. till the period he was on deputation. As mentioned earlier, the applicant <sup>was</sup> retrospectively put on the scale of Rs 550-700 at Ludhiana from 5-9-1971 to 22-7-1972. He should therefore have been allowed to continue on that scale of Rs 550-700 and the corresponding revised scale of Rs 740-880 from 1-1-1973 to 10-1-1977. From 11-1-1977 on which date the applicant was absorbed in FTI, Bangalore, he will be entitled only to the



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maximum of the scale of the post in which he was absorbed i.e. Rs 750/- and the fixation of his pay from that date onwards is in order.

6. In the result, I pass the following orders:

(1) The applicant should be allowed to draw pay in the pay scale of Rs 550-30-700 from 23-7-1972 to 31-12-1972, the first increment in that scale falling due on 5-9-1972.

(2) The applicant's pay from 1-1-1973 in the revised scale of Rs 740-880 shall be fixed in accordance with the rules framed for implementing the recommendations of the Third Pay Commission with reference to the pay to which he would be eligible on 31-12-1972 as at (1) above and he should be allowed to draw increments from time to time in that scale upto 10-1-1977.

(3) The pay already fixed and allowed for the subsequent period from 11-1-1977 will remain unaffected.

(4) The arrears arising out of the pay fixation referred to at (1) and (2) above should be calculated and paid to the applicant within three months of the date of receipt of this order.

7. In the result, the application is partly allowed. Parties to bear their own costs.

Sd/-  
MEMBER(A)

-True copy-



SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
.....

Commercial Complex(BDA),  
II Floor, Indiranagar,  
Bangalore- 560 038.

Dated: 13-11-87

To

1. Shri.Sanjeev Malhotra,  
All India Services Law Journal,  
Hakikat Nagar, Mal Road,  
New Delhi- 110 009.
2. Shri.R.Venkatesh Prabhu, Member,  
Editorial Committee,  
Administrative Tribunal Reporter,  
67- Lower Palace Orchards,  
Bangalore- 560 003.
3. The Editor,  
Administrative Tribunal Cases,  
C/o. Eastern Book Co.,  
34, Lal Bagh,  
Lucknow- 226 001.
4. ~~The editor, Administrative Tribunal Law Times,~~  
Delhi Law Times Office,  
5335, Jawahar Nagar,  
(Kolhapur Road),  
Delhi- 110 007. (~~Rep. by Miss. Alka Kulkarni, Reporter, Bangalore~~)
5. M/s.All India Reporter,  
Congressnagar,  
Nagpur.
6. Services Law Reporter,  
108, Sector 27-A,  
Chandigarh- 160 019.

Sir,

I am directed to forward herewith a copy of the under mentioned order passed by a Bench of this Tribunal comprising of

Hon'ble Mr. \_\_\_\_\_, Vice-Chairman/

Member (J) and Hon'ble Mr. P. Srinivasan Member(A)

with a request for publication of the order in the Journals.

Order dated 9-11-87 passed in A.Nos 832/87(F)

RECEIVED

26/11/87

Yours faithfully,

Diary No. 1423/(2/87)

Date: 17-11-87

for B.V. VENKATA REDDY  
DEPUTY REGISTRAR(J).

ofc



.. Copy with enclosure: forwarded for information to:

1. The Registrar, Central Administrative Tribunal, Principal Bench, Faridkot House, Copernicus Marg, New Delhi- 110 001.
2. The Registrar, Central Administrative Tribunal, Tamil Nadu Text Book Society Building, D.P.I.Compounds, Nungambakkam, Madras- 600 006.
3. The Registrar, Central Administrative Tribunal, C.G.O.Complex, 234/4, A.J.C Bose Road, Nizam Palace, Calcutta- 700 020.
4. The Registrar, Central Administrative Tribunal, CGO Complex(CBD), First Floor, Near Kankon Bhavan, New Bombay- 400 614.
5. The Registrar, Central Administrative Tribunal, 23-A, Post Bag No.013, Thorn Hill Road, Allahabad- 211 001.
6. The Registrar, Central Administrative Tribunal, S.C.O.102/103, Sector 34-A, Chandigarh.
7. The Registrar, Central Administrative Tribunal, Rajgarh Road, Off Shilong Road, Guwahati- 781 005.
8. The Registrar, Central Administrative Tribunal, Kandamkulathil Towers, 5th and 6th Floor, Opp.Maharaja College. M.G.Road, Ernakulam, Cochin- 682 001.
9. The Registrar, Central Administrative Tribunal, CARAVS Complex, 15, Civil Lines, Jabalpur(MP).
10. The Registrar, Central Administrative Tribunal, 88-A, B.M.Enterprises, Shri Krishna Nagar, Patna- 1.
11. The Registrar, Central Administrative Tribunal, C/o.Rajasthan High Court, Jodhpur(Rajasthan)
12. The Registrar, Central Administrative Tribunal, New Insurance Building Complex, 6th Floor, Tilak Road, Hyderabad.
13. The Registrar, Central Administrative Tribunal, Navrangpura, Near Sardar Patel Colony, Usmanapura, Ahmedabad.
14. The Registrar, Central Administrative Tribunal, Dolamundai, Cuttack-753001.

Copy with enclosures also to:

1. Court Officer(Court I)
2. Court Officer (Court II)

for   
(B.V.VENKATA REDDY)  
DEPUTY REGISTRAR(J).

Don 9.11.87

No: RVTI/G-20012/1/86/Acct/ 368-72

Dt. 11/2/1988

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The Pay & Accounts Officer,  
Ministry of Labour, DGET,  
New Delhi-1.

Sir,

I am to forward herewith a bill regarding the  
pay arrears from 5.9.71 to 28.2.87 in respect of

Sri A. Karupiah, retired STA(P) of this institute.  
This bill is pertaining to the selection grade arrears  
(as per the directive of Central Admn. Tribunal). You are  
requested kindly to pre-audit the bill and send us for  
further action/payment. I am also request you kindly to  
arrange payment for Rs. 30,932/- after deduction of Income Tax  
and Licence Fee. The deduction particulars are given in the  
enclosed bill.

Yours faithfully,

Encl: as stated

(M. Singaraju)  
Dy. Director of Training  
Ph. No: 641955

Copy to:

1. The Director, F.T.I. B'lore w.r. to his letter No. FTI/A-200211/2/82/Estt/ dt. 3/2/88.
2. The Director of Apprenticeship Trg. D.G.E.T. New Delhi, w.r. to their letter No. DGET/G-18013/2/83/TA-I, dt. 29/1/88.
3. The Central Administrative Tribunal, B'lore w.r. to their letter Case No. 832/87(F) of Shri A. Karupayah.
4. Sri A. Karupayah, B.27/1007, B.D.A. Flats, Austin Town, Bangalore-560 047 for information.

(M. Singaraju)  
Dy. Director of Training

Ministry of Labour (DGE & T)  
Regional Vocational Training Institute  
For Women  
Hosur  
Dist. - Channarayana  
Hosur - 561 001

12/12/81



12/12/81