

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

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Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 3 JUN 1988

APPLICATION NO

598

/88(F)

W.P. NO.

Applicant

Shri S. Rangarajan

To

1. Shri S. Rangarajan
No. 42, 27th Cross
4th Block, Jayanagar
Bangalore - 560 011

2. Shri M.R. Shailendra
Advocate
869/C, Vth Block
Rajajinagar
Bangalore - 560 010

3. The Secretary
Ministry of Urban Development
(Central Public Works Department)
Nirman Bhavan
New Delhi - 110 011

Respondent

V/s The Secretary, M/o Urban Development,
New Delhi & 2 Ors

4. The Chief Commissioners of Income Tax
in Karnataka
Central Revenue Building
Queen's Road
Bangalore - 560 001

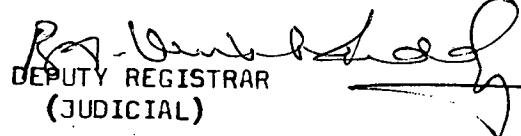
5. The Accountant General
Karnataka
Bangalore - 560 001

6. Shri M.S. Padmarajaiah
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/SPK/XXXXXXORDER
passed by this Tribunal in the above said application on 30-5-88.

Encl : As above


DEPUTY REGISTRAR
(JUDICIAL)

of -


Dated
K. N. Iyer
3.6.88

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE THIRTIETH DAY OF MAY, 1988.

Present: Hon'ble Shri P. Srinivasan ... Member (A)

APPLICATION NO. 598/88 (F)

Shri S. Rangarajan
No.42, 27th Cross
4th Block
Jayanagar
Bangalore

... Applicant

(Shri M.R. Shailendra, Advocate)

Vs.

1. The Union of India
rep. by its Secretary
Ministry of Urban Development
I/c. Central Public Works Deptt.,
Nirman Bhavan
New Delhi - 110 001.

2. The Chief Commissioner of
Income Tax in Karnataka
Queen's Road
Bangalore-1.

3. The Accountant General
Karnataka,
Bangalore-1.

... Respondents

(Shri M.S. Padmarajaiah, Advocate)

This application came up for hearing
today. Hon'ble Shri P. Srinivasan, Member (A), made
the following:

O R D E R

This application has been listed for
today under cases not ready for hearing. When the
matter came up before me today, Shri M.R. Shailendra
appeared for the applicant and submitted that cases
involving the identical issue raised in this
application have already been decided by the Principal
Bench as well as by this Bench of the Tribunal and
that the decisions in those cases would govern the



present case as well. At my direction, Shri M.S. Padmarajaiah, learned Senior Central Government Standing Counsel who is also present in Court took notice for the respondents. While supporting the decision of the respondents in this case in denying the benefit of the Concordance table to the applicant for fixing his initial pay ^{on promotion} from the post of Assistant Engineer to Executive Engineer, Shri Padmarajaiah fairly conceded that the facts of this case are similar to those in Y.D. Piplani AND OTHERS V. UNION OF INDIA ATR 1987 (1) CAT 253 decided by the Principal Bench, the ratio of which was followed/decisions rendered by the Bangalore Bench in application no. 1882/1986 VENKATADRI V. SECRETARY, CPWD & OTHERS rendered on 5.8.1987 and in applications nos. 848 to 852 and 996 to 1001 of 1987 decided on 4.1.1988.

2. After hearing counsel on both sides I am of the view that this application should be allowed. The relevant facts are that the applicant who was an Assistant Engineer in the CPWD was promoted as Executive Engineer on adhoc basis by order dated 28.2.1976. At that time the initial fixation of pay of persons promoted to the post of Executive Engineer was governed by what is known as the Concordance table. This table prescribes the pay in the post of Executive Engineer to be allowed to a promotee corresponding to the

P. J. K.

pay in the scale of Assistant Engineer which he was drawing immediately before promotion. But for this Concordance table, pay on promotion is generally governed by the provisions of FR 22C according to which the initial pay would be less than the pay fixed under the Concordance table. The respondents took the view that persons promoted as Executive Engineers on adhoc basis were not entitled to fixation of their initial pay according to the Concordance table but only under FR 22C. A batch of Assistant Engineers so promoted to posts of Executive Engineers challenged this decision before the High Court of Delhi by a writ petition which, after being transferred to this Tribunal was decided by the Principal Bench of this Tribunal at Delhi in favour of the applicants therein and that decision has been reported under the cause title YD. PIPANI & OTHERS V. UNION OF INDIA.

Thereafter the respondents allowed the benefit of the Concordance table ~~to~~ ^{only to} those who were applicants before the Principal Bench in Piplani's case. Another batch of Assistant Engineers promoted as Executive Engineers on adhoc basis who were aggrieved by the decision of the respondents restricting the benefit of the Concordance table to the applicants in Piplani's case filed applications before this Tribunal registered as applications nos. 848 to 852 and 996 to 1001 of 1987. These applications were decided by this Bench of the Tribunal, again in



in favour of the applicants (Chandrasekhar and others V. Union of India and others). The present applicant who was also promoted as Executive Engineer on adhoc basis on 28.2.1976 and has thereafter retired with effect from 30.6.1981, is aggrieved by order dated 3.6.1987 (Annexure-A) passed by the respondents in pursuance of the decision of the Principal Bench in Piplani's case extending the benefit of the Concordance table only to the applicants before the Principal Bench and denying it to others including him. Along with the application is also attached another order dated March, 1988 giving effect to the decision of the Bangalore Bench in application nos. 848 to 852 and 996 to 1001 of 1987. The respondents have again restricted the benefit of the Concordance table to the applicants in those applications. The applicant is aggrieved that he has been excluded.

3. The prayer of the applicant is that his pay on the date of his superannuation, i.e., 30.6.1981 should be worked out after giving him the benefit of the Concordance table on his adhoc promotion to the post of Executive Engineer and his retirement benefits like pension, gratuity etc., should be computed on that basis. He does not claim any arrears of pay and allowances prior to superannuation. Normally this Tribunal would not have admitted this claim since the applicant retired in 1981 and the cause of action relating to retirement benefits therefore arose in 1981, that is prior to 1.11.1982. However, the applicant's grievance became crystalised only when the decisions of the Principal Bench and of this

P. S. Iyer

2. However, the applicant will not be entitled to any arrears of pay and allowances from the date of his promotion as Executive Engineer to the date of his retirement.
3. The pension and other retirement benefits of the applicant on superannuation will be worked out on the basis of his pay refixed as directed at (1) above. However, the applicant will be entitled to the revised pension only with effect from 1.4.1988.
5. The application is disposed of on the above terms. Parties to bear their own costs.



Sd/-
MEMBER (A)

mr.

TRUE COPY

R. Venkatesh
DEPUTY REGISTRAR (JDL) *5/6*
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

Bench in regard to granting of the benefit of the Concordance table to adhoc promotees were implemented and in that process, the applicant was denied that benefit. He has really challenged the discrimination against him in this regard caused by those orders. Since orders implementing the decisions of the Tribunal were passed within a year prior to filing of this application, this application is in time and is well within the competence of this Tribunal. In view of this, since the case of the applicant is admittedly covered by the decisions rendered in Piplani's case and in Chandrasekhar's case I have no hesitation in allowing this application. However, since the application has been made on 13.4.1988, long after the applicant retired from service, I feel it would be proper to allow him the higher pension to be calculated in accordance with this order only from 1st of April, 1988. Respondents will however, grant the applicant enhanced gratuity resulting from recalculation of his pay and allowances at the time of retirement, without any interest thereon.

4. In the result these following orders are passed:

1. Respondents are directed to refix the pay of the applicant on the date of his superannuation as if he had been given the benefit of the Concordance table on his promotion to the post of Executive Engineer.

