

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 107 of 2001

Jabalpur, this the 27th day of April 2004

Hon'ble Mr. M.P. Singh, Vice Chairman  
Hon'ble Mr. A.S. Sanghvi, Judicial Member

Akhilesh Kumar Gupta,  
S/o Shri R.D. Gupta,  
aged about 30 years,  
Librarian Gr.III,  
Zoological Survey of India,  
Resident of 123 Jagdamba Colony,  
Near Vijay Nagar, Jabalpur.

APPLICANT

(By Advocate - Shri S.Paul)

VERSUS

1. Union of India  
through its Secretary,  
Ministry of Environment & Forest,  
"Paryavaran Bhawan"  
CGO Complex,  
Lodhi Road,  
New Delhi-110003.
2. The Director,  
Zoological Survey of India,  
'M' Block, 535, Alipur,  
Kolkata-53
3. The Officer-in-charge,  
Zoological Survey of India,  
Central Regional Station,  
424, New Adarsh Colony,  
Kamla Nehru Nagar,  
Jabalpur

RESPONDENTS

(By Advocate - Shri S.A. Dharmadhikari)

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

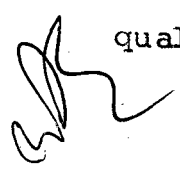
By filing this OA, the applicant has sought the following main reliefs :-

- \*(ii) Set aside the order dt. 19.1.2001  
Annexure-A-1;
- (iii) Command the respondents to provide all consequential benefits to the applicant as if the impugned order dt. 19.1.2001 Annexure-A-1 is never passed;
- (vi) Restrain the respondents/hold that the respondents are not entitled to make any recovery from the applicant from 1.1.1996 in the pay-scale of Rs.5500-9000/-".

2. The brief facts of the case are that the applicant was appointed as Library Assistant vide order dated 26.3.1990 in the Zoological Survey of India, Central Regional Station, Jabalpur. The post of Library Assistant was redesignated as Library and Information Assistant. The pay scale of Library Assistant was Rs.1200-2040 which was subsequently revised to Rs.1400-2600 with effect from 24.7.1990. In pursuance to the recommendations of the 5th Central Pay Commission (for short '5th CPC') the pay scale of the said post was further upgraded to Rs.5500-9000 and this scale was given effect from 1.1.1996. The applicant was granted the pay scale of Rs.5500-9000 with effect from 1.1.1996. However, later on it was decided to cancel the earlier order and the applicant was placed in the scale of Rs.5000-8000. Hence, he has filed this OA.

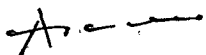
3. We have heard the learned counsel of both the parties and considered the rival contentions.


4. We find that the applicant was earlier granted the pay scale of Rs.5500-9000, which was subsequently withdrawn by the respondents on the presumption that the said pay scale was applicable only to the Library staff working in the schools and is not applicable to the Library staff working in the Ministries. However, the matter has been re-examined and the respondents have granted the said pay scale of Rs.5500-9000 to the applicant with effect from 1.1.1996 vide order dated 29.10.2003. However, this higher scale has been granted notionally and the actual benefit has been granted from the date of issue of the order dated 29.10.2003. We find that the applicant has been performing the duties in the same post from 1.1.1996. The pay scale of Rs.5500-9000 has also been granted to him from the same date. The Ministry of Finance <sup>vide their</sup> OM dated 21.2.2002 (No.71/3/2001-IC) has directed that "the entry pay scale for departmental Librarians possessing minimum qualifications of B.Lib. along with a graduate degree may



with effect from 1.1.1996 be raised to Rs.5500-9000 by merging the existing posts of Library Information Assistant and Senior Library and Information Assistant which are presently in the respective pay scales of Rs.5000-8000 and Rs.5500-9000. The incumbents of these posts would consequently be eligible for promotion to the post of Assistant Library Information Officers whose pay scale will remain unchanged. This circular does not lay down any condition for granting the higher scale of Rs.5500-9000 from 1.1.1996. The applicant has been performing his duties in the same grade and he has been granted the said pay scale from 1.1.1996. Therefore, he is entitled for the actual benefits of the said pay scale of Rs.5500-9000 w.e.f.1.1.1996. In view of this, the condition laid down by the respondents that the applicant will get the pay scale of Rs.5500-9000 notionally w.e.f. 1.1.1996 and actual benefit from the issue of letter dated 29.10.2003 is not justified.

5. In the result, the OA is allowed. The respondents are directed to grant the actual benefit of the pay scale of Rs.5500-9000 to the applicant w.e.f.1.1.1996 and grant him all consequential benefits. The interim order passed on 18.12.2001 is made absolute. The respondents are further directed to refund the recovery if made by them from the applicant on account of grant of higher pay scale of Rs.5500-9000 w.e.f.1.1.1996, within a period of one month from the date of communication of this order. No costs.

  
(A.S. Sanghvi)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman.