

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 8th day of April, 2011

Original Application No.27/2007

CORAM:

**HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)
HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)**

Debashis Kundu
s/o Shri M.M.Kundu,
r/o 3-B/27, IBM Colony,
Adarsh Nagar, Ajmer,
At present working as
Sr. Technical Assistant (Chemistry),
Indian Bureau of Mines,
O/o Regional Ore Dressing Laboratory & Pilot Plant,
Indian Bureau of Mines,
Makupura Industrial Area, Ajmer

.. Applicant

(By Advocate: Shri Anupam Agarwal)

Versus

1. The Union of India
through the Secretary to the Govt. of India,
Ministry of Mines,
Shastri Bhawan,
New Delhi.
2. The Secretary, Govt. of India,
Department of Expenditure
(Implementation Cell),
Ministry of Finance,
North Block, New Delhi.
3. The Controller General,
Indian Bureau of Mines,
Indira Bhawan,
Civil Lines, Nagpur

.. Respondents



(By Advocate: Shri D.C.Sharma)

ORDER (ORAL)

The main grievance of the applicant is that the respondents have not granted upgraded scale to the applicant w.e.f. 1.1.1996 despite of the recommendations of the Anomaly Committee to this effect and the applicant was informed that the recommendations regarding upgradation of the post of STA (Chemistry) to the scale of Rs. 6500-10500 cannot be accepted in view of the Government having decided to constitute 6th CPC to consider this matter.

2. This is third round of litigation for claiming the upgraded scale and during the pendency of this OA, through MA No.361/09, the applicant has filed Office Memorandum dated 13.11.2009 (Ann.A/11) passed by the Govt. of India, Ministry of Finance, Department of Expenditure, Implementation Cell. In para-3 of the said OM, it has been observed as under:-

"3: Consequent upon the Notification of CCS (RP) Rules, 2008, Department of Expenditure has received a large number of references from administrative ministries/departments proposing upgradation of the posts which were in the pre-revised scale of Rs. 6500-10500 as on 1.1.2006 by granting them grade pay of Rs. 4600 in the pay band PB-2. The matter has been considered and it has now been decided that the posts which were in the pre-revised scale of Rs. 6500-10500 as on 1.1.2006 and which were granted the normal replacement pay structure of grade pay of Rs. 4200 in the pay band PB-2, will be granted grade pay of Rs. 4600 in the pay band PB-2 corresponding to the pre-revised scale of Rs. 7450-11500 w.e.f. 1.1.2006. Further, in terms of the aforementioned provisions of CCS (RP) Rules, 2008, in case a post already existed in the pre-revised scale of Rs. 7450-11500 the posts being upgraded from the scale of Rs. 6500-10500 should be merged with the post of the scale of Rs. 7450-11500."



3. Admittedly, the aforesaid OM has been issued in the year 2009 whereas the present OA was filed in 2007 and as claimed by the applicant that the relief has been granted vide this memorandum, as such, without expressing any opinion on merit, we deem it proper to direct the respondents to consider case of the applicant in the light of the Office Memorandum dated 13.11.2009 (Ann.A/11) and grant him pay in the revised structure.

4. With these observations, the OA stands disposed of with no order as to costs.

Anil Kumar
(ANIL KUMAR)
Admv. Member

12. s. Rathore
(JUSTICE K.S.RATHORE)
Judl. Member

R/