

THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET

Original

APPLICATION NO.: 97/2009

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

08/01/2013

Mr. P. N. Jatti, Counsel for applicant.
Mr. D. C. Sharma, Counsel for respondents.

Heard.

O.A. is disposed of by a
separate order on the separate-
sheets for the reasons recorded
therein.

Anil Kumar
[Anil Kumar]
Member (A)

K. S. Rathore
[Justice K. S. Rathore]
Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

ORIGINAL APPLICATION No. 97/2009

Jaipur, the 08th day of January, 2013

CORAM :

HON'BLE MR.JUSTICE K.S.RATHORE, JUDICIAL MEMBER
HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

Arjun Singh Rathore son of Shri Nand Singh Rathore by caste Rathore, aged about 61 years, resident of 773/50 Tak-Sikha, Niketan Ki Gali, Naya-Bara-Police Lines, Ajmer. Presently retired as Assistant Draving Officer from Indian Burea of Mines, Ajmer.

... Applicant

(By Advocate : Mr. P.N. Jatti)

Versus

1. Union of India through the Secretary to the Government of India, Ministry of Mines, Shastri Bhawan, New Delhi.
2. Controller General, Indian Bureau of Mines, Indra Bhawan, Civil Lines, Nagpur.

... Respondents

(By Advocate : Mr. D.C. Sharma)

ORDER (ORAL)

The applicant has filed this OA praying for the following reliefs:-

- "(i) That by a suitable writ/order or the direction the respondents be directed to allow the higher pay scale to the applicant as II ACP with effect from 11.12.2005 with all the consequential benefits.
- (ii) Any other relief which the Hon'ble Bench deems fit."

2. Learned counsel for the respondents submitted that the applicant has already been granted the grade pay of Rs.4600/- corresponding to pre-revised pay scale of Rs.7450-11,500/- with effect from 01.01.2006 after implementation of 6th Central Pay Commission. The same has already been intimated to the applicant through proper

Anil Kumar

channel vide letter No. A-32016(17)/ACP/1/99-Adm.Conf. dated 29.12.2009 (Annexure R/3). Learned counsel for the respondents argued that since the applicant has already been sanctioned grade pay of Rs.4600/- with effect from 01.01.2006, therefore, this OA is devoid of merit and may be dismissed.

3. Learned counsel for the applicant admitted that the applicant has been sanctioned grade pay of Rs.4600/- with effect from 01.01.2006 but the pay of the applicant has not been correctly fixed. He drew our attention to Para No. 9 of conditions for grant of benefits under the ACP Scheme (Annexure A/2), which reads as under:-


"9. On upgradation under the ACP Scheme, pay of an employee shall be fixed under the provisions of FR 22(1) a(1) subject to a minimum financial benefit of Rs.100/- as per the Department of Personnel and Training Office Memorandum No. 1/6/97-Pay 1 dated July 5, 1999. The financial benefit allowed under the ACP Scheme shall be final and no pay-fixation benefit shall accrue at the time of regular promotion i.e. posting against a functional post in the higher grade."

4. Learned counsel for the applicant argued that the applicant was drawing the salary of Rs.17950/- w.e.f. 01.07.2006 as per office order No. 325 dated 29.10.2008 and now the pay of the applicant has been fixed at Rs.17,960/- as per office order No. 5 dated 08/11.01.2010. Thus he has been given the benefit of Rs.10/- only whereas as per the conditions laid down in Para No. 9 of conditions for grant of benefits under the ACP Scheme, the minimum financial benefit of Rs.100/- should have been given to the applicant. Therefore, he requested that the pay of the applicant be accordingly revised.

Anil Kumar

5. Heard the rival submissions of the parties and perused the documents on record. In view of the submissions made by the learned counsel for the applicant and in view of provisions of Para 9 of conditions for grant of benefits under the ACP Scheme, we deemed it proper in the interest of justice to direct the respondents to reconsider the pay fixation of the applicant in accordance with the provisions of Para No. 9 of conditions for grant of benefits under the ACP Scheme and in accordance with the provisions of law expeditiously but in any case not later than a period of three months from the date of receipt of a copy of this order. The respondents will pass a speaking and reasoned order. The copy of the order so passed shall be given to the applicant. The applicant will be at liberty to file substantive OA, if he is aggrieved by the order passed by the respondents.

6. With these observations, the OA is disposed of with no order as to costs.


(Anil Kumar)
Member (A)


(Justice K.S. Rathore)
Member (J)

AHQ