

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.1632/2015

New Delhi, this the 21st day of April, 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. P. K. Basu, Member (A)**

Dr. Ramakant Dwivedi
S/o Late Vishwanath Dwivedi
R/o Flat No.BE-14, DDA Flats,
Munirka, New Delhi 110 067.
Aged about 48 years,
Presently Officer on Special Duty in NTRO. -Applicant

(By Advocate: Shri Ajesh Luthra)

-V E R S U S-

1. National Technical Research Organization
Through its Chairman
Block No.III, Old JNU Campus,
New Delhi 110 067.
2. The Director (Estt.-I)
National Technical Research Organization
Block No.III, Old JNU Campus,
New Delhi 110 067. -Respondents.

(By Advocate : Shri Hanu Bhaskar)

O R D E R (Oral)

Justice Permod Kohli, Chairman:

Through the means of this OA, the applicant is seeking a direction for revision of his emoluments w.e.f. 01.01.2010 instead of 10.05.2013.

2. Briefly stated, the facts as would emerge from the record are that the applicant was serving as an Associate Fellow in the Institute of Defence Studies and Analysis (for short, IDSA) in the pre-revised pay scale of Rs.8000-13500 and in the revised pay scale of Rs.15600-39100 with the Grade Pay of Rs.5400/-.
3. It is stated that the applicant was handpicked for appointment in NTRO on the basis of the interview held by the organisation. He was

issued a call letter dated 08.03.2007 pursuant to his selection by a Committee headed by former Secretary (Internal Security), MHA, Government of India, and other members. He was ordered to be appointed vide order dated 24.05.2007 (Annexure A-2) as Officer on Special Duty in CIRA, unit of NTRO, on contractual basis for a period of six months or till further orders, whichever would be earlier. This appointment was on consolidated emoluments of Rs.25,000/- per month. Consequent upon his appointment, he joined on 29.06.2007. His emoluments came to be revised from Rs.25,000/- to Rs.26,000/- vide order dated 16.06.2008, and later another revision was effected vide order dated 20.03.2009 whereby his emoluments were further raise to Rs.50,000/-. The letter dated 20.03.2009 clearly stipulates that the raised in emoluments is for a period of one year w.e.f. January, 2009. The applicant's name figures at Sl. No.5 in this letter. It appears that the respondent-organisation constituted a Committee to consider the revision of emoluments in respect of the applicant along with other appointees to the post of OSD on contract basis in CIRA vide order dated 13.04.2011. Another committee was constituted vide separate order dated 08.05.2012 for the same purpose in respect of three other officials in the same category. Vide order dated 10.05.2013, the applicant's emoluments were revised to Rs.69,519/- from earlier emoluments of Rs.50,000/- w.e.f. the date of the order.

4. The grievance of the applicant is that when his emoluments were raised to Rs.50,000/- vide order dated 20.03.2009, the revision was effective only for a period of one year w.e.f. January, 2009, and thereafter the revised emoluments were required to be paid to the applicant as recommended by the Committee and granted w.e.f. 10.05.2013. The

applicant has accordingly approached this Tribunal seeking the benefit of revision of emoluments to Rs.69,519/- w.e.f. 01.01.2010.

5. Learned counsel appearing for the applicant has vehemently argued that the only object and purpose of keeping the revision of emoluments at Rs.50,000/- for a period of one year was to allow further revision in emoluments after the expiry of one year. It is accordingly contended that the grant of benefit of revised emoluments w.e.f. 2013 instead of 01.01.2010 is prejudicial to the interest of the applicant. According to the learned counsel, the applicant had left a lucrative job to join the respondent-organisation in the national interest, and he should have been granted the benefits which were equivalent to the central government employees who were conferred the benefits of 6th Central Pay Commission. The emphasis of the applicant is on the order dated 20.03.2009 whereby the raise in emoluments to Rs.50,000/- was confined to a period of one year. It is accordingly submitted that benefit of the revised emoluments must be conferred on the expiry of a period of one year from January, 2009, i.e., w.e.f. 01.01.2010.

6. Shri Hanu Bhaskar, learned counsel appearing for the respondents has contended that the applicant's appointment was and continued to be on contractual basis. No rule, law or norm conferring any right upon the applicant for revision of emoluments as per his demand has been brought to our notice.

7. We have heard learned counsel for the parties.

8. Undisputedly, the appointment of the applicant is contractual in nature. He was offered Rs.25,000/- per month for a period of three years, though the letter of appointment did indicate that there could be revision of emoluments during the period of contract, as is evident from

the terms and conditions for such appointment notified vide Memorandum dated 06.06.2007. The relevant para (i) is reproduced hereunder:-

“(i) A consolidated remuneration of Rs.25,000/- (Rupees twenty five thousand only) shall be paid per month for the satisfactory services rendered by him during the month. In case of absence other than authorized and sanctioned leave, proportionate deduction will be made from the consolidated amount. The total remuneration could be revised during the period of contract if considered necessary by the Competent Authority. He will not be entitled for any other allowance viz. HRA/CCA/Transport Allowance etc. during the period of contract.”

The remuneration of the applicant was revised from Rs.25,000 to Rs.26,000 within a period of one year and from Rs.26,000/- to Rs.50,000/- again within a period of one year, meaning thereby, he got 100% jump in emoluments within a period of two years.

9. We are of the considered opinion that such a jump in emoluments in any government service is not feasible. In any case, the respondents have revised the emoluments of the applicant from Rs.50,000/- to Rs.69,519/- w.e.f. 10.05.2013. The applicant has no right to seek benefit of revised remuneration w.e.f. 01.01.2010. We do not find from the record that there was any promise extended to the applicant for such revision, nor any rule, law or even norm provides for such a benefit. We do not find any merit in this Application. Dismissed. No costs.

(P. K. Basu)
Member (A)

(Permod Kohli)
Chairman

/pj/