

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. No. 3019/2012

New Delhi, this the 3rd day of August, 2016.

**HON'BLE MR. P.K. BASU, MEMBER (A)
HON'BLE DR. BRAHM AVTAR AGRAWAL, MEMBER (J)**

Col. D.P. Attrey,
Scientist-F (Retd.),
S/o Shri Vidya Sagar Attrey,
R/o 7A, HIG Complex,
Swarnim Vihar, Sector-82,
NOIDA-201304. .. Applicant

(By Advocate : Shri N.K. Singh for Mrs. Avnish Ahlawat)

Versus

1. Govt. of India,
Ministry of Defence,
Through its Secretary,
South Block,
New Delhi-110011.
2. Director General Research & Development,
Ministry of Defence,
South Block,
New Delhi-110011.
3. Director DIPAS (DRDO)
Lucknow Road, Timarpur,
Delhi – 110 054. .. Respondents

(By Advocate : Mrs. Sangeeta Tomar)

ORDER (Oral)**By Hon'ble Mr. P.K. Basu**

Heard the learned counsel for both sides.

2. The facts of the case are as follows:

- (i) The applicant was a Colonel in the Indian Army. He joined the DRDO in the civilian capacity in the year 2002. While in the Army, the applicant was drawing rank pay of Rs.2000/-. When he was absorbed as Scientist 'E' in DRDO, the respondents did not include rank pay while fixing his pay as Scientist 'E'.
- (ii) The applicant approached the Tribunal in O.A. No.1802/2005 and the Tribunal vide order dated 29.03.2007 directed the respondents to pay to the applicant, from the time he joined DRDO, his full Army pay including basic pay, rank pay, stagnation increments and NPA as he was drawing at the time of joining in DRDO as Scientist 'E'. However, the Tribunal also directed that interest @ 6% p.a. be paid on the arrears of pay calculated as above.
- (iii) The order of the Tribunal was upheld by the Hon'ble High Court in Writ Petition No.7645/2007 vide order dated 11.12.2007 and the SLP filed by the respondents was also dismissed by the Hon'ble Supreme Court on 18.08.2008.

(iv) The respondents have issued office order dated 27.04.2012 (Annexure-A) by which last salary being drawn by the applicant of Rs.25313/- in Army was protected while fixing his pay at Rs.25313/- in the scale of Rs.14300-400-18300 (scale of Scientist 'E') as follows:

Basic Pay	18300/-
Personal Pay	1950/-
(to be absorbed in future increments)	
 NPA @ 25%	 5063/-
 TOTAL	 25313

Actually, the applicant joined DRDO on 28.02.2003.

3. The bone of contention between the parties is that the applicant states that the order of the Tribunal in O.A. No.1802/2015 was that his rank pay should be protected along with basic pay, stagnation increment and NPA. Though his rank pay was Rs.2000/-, the respondents have not shown that in the new pay fixation and instead reduced it to Rs.1950/- and designated as personal pay.

4. The learned counsel for the applicant vehemently argued that while joining, the applicant had made it clear that his dues as an Army officer on the date of absorption including his rank pay and NPA should be protected.

5. In our opinion, the contention of the applicant is completely misplaced. Once he is absorbed as Scientist 'E', his pay has to be fixed in the scale meant for Scientist 'E' and any difference that exists between salary drawn as Colonel and pay fixed in the new scale, can only be shown as personal pay, as per rules. There is no concept of rank pay in the Scientist 'E' cadre and, therefore, rank pay cannot be granted to him, and the respondents have done exactly that.

6. We find that the order dated 27.04.2012 is perfectly in order. There is no merit in the O.A. and, therefore, it is dismissed. No costs.

(Dr. Brahm Avtar Agrawal)
Member (J)

(P.K. Basu)
Member (A)

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