

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE**

ORIGINAL APPLICATION No. 170/00514/2017

TODAY, THIS THE 23rd DAY OF AUGUST, 2018

**HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER
HON'BLE SHRI DINESH SHARMA, ADMINISTRATIVE MEMBER**

Sri. Solomon D B Chenji, 60 years,
S/o Sri.John Chenji,
Retired Deputy Legal Advisor,
Branch Secretariate,
Kendriya Sadan, Koramangala,
Bengaluru: 560 034.

Residing at No.82/2,
Bazar Street, Vivek Nagar,
Vannarpet, Bengaluru-560047.

... Applicant.

(By Advocate Shri P.A. Kulkarni)

Vs.

1. Union of India,

To be represented by the Law Secretary,
Ministry of Law and Justice,
Department of Legal Affairs,
Shastri Bhavan,
New Delhi-110 115.

2. The Secretary,

Department of Expenditure,
Ministry of Finance,
Government of India,
Room No.76, North Block,
New Delhi - 110 001.

3. Deputy Secretary Finance,
Legislative Department,
Ministry of Law and Justice
Government of India,
4th Floor, Shastri Bhavan,
New Delhi - 110 115.

4. Pay and Accounts Officer,
Department of Legal Affairs,
Ministry of Law and Justice,
4th Floor, 'B' Block,
Janpath Bhavan, Janpath,
New Delhi- 110 001.

5. Branch Secretariat,
Department of Legal Affairs,
4th Floor, 'D' & 'F' Wing,
Kendriya Sadan, Koramangala,
Bengaluru-560 034.

... Respondents

(By Advocate Shri V.N. Holla)

ORDER

Hon'ble Shri Dinesh Sharma, Administrative Member

The case of the applicant is that following the Department of Expenditure, Ministry of Finance, Resolution dated 16.05.2017(Annexure A-1), the Department of Legal Affairs, Ministry of Law and Justice, issued an

office order No. 12/2/2016-Admn.I dated 11th July, 2017 (Annexure A-2) fixing his basic pay by applying a multiplication factor 2.67. However, this order was later modified, following the direction of I.F. Section of the Legislative Department, Ministry of Law and Justice, dated 01.08.2017 (Annexure A-3) and now his basic pay has been arrived at by applying a multiplication factor of 2.57. Applicant says that this is a wrong interpretation of the direction contained in the Resolution of the Department of Expenditure (Annexure A-1). The applicant also prayed for interim relief against the order for recovery of excess amount paid to him under the earlier instructions, which was granted by this Tribunal for the pendency of this O.A.

2. The respondents, in their short reply, clarified that the earlier order dated 11.07.2017 (Annexure A-2) taking higher multiplication factor of 2.67 was wrong and therefore, it had to be corrected. The mistake, they alleged, had happened because 'Index of Rationalisation' (IOR) was taken as the multiplication factor. The IOR was relevant only for defining the modified level 13 and not for fitment of any individual pay against any stage in that level. The respondents have also cited a clarificatory Office Memorandum dated 28.09.2017 (Annexure R-1) from the Department of Expenditure which makes the matter abundantly clear.

3. After going through the pleadings and hearing the arguments, it is clear that the whole case rests on whether the "IOR" and the "Multiplication" or "fitment" factors are one and the same. Para 5 of the Annexure R-1 Office Memorandum dated 28.09.2017 is reproduced below to make it clear that they are not and there is no ambiguity in this regard.

"5.While the concept of IOR as applied by the 7th CPC, is exclusively in regard to formulation of the Levels in Pay Matrix, the formula for fixation of pay in the Pay Matrix based on the basic pay drawn in the

pre-revised pay structure for the purpose of migration to the Pay Matrix, as recommended by the 7th CPC, is based on fitment factor 2.57.....” (emphasis supplied).

5. Para 4 of the Annexure R-1 also makes it very clear that the direction under the Department of Expenditure Resolution dated 16.05.2017 (Annexure A-1) was only with respect to the change brought about in the IOR for determining the stages in Level 13. It had nothing to do with the multiplication or fitment factor which was universally applicable to everyone as 2.57. The order issued by the Department, to correct the error in fixing his basic pay is, therefore, correct.

4. The O.A. is accordingly dismissed. Since the applicant is already retired and since the recovery of the entire excess paid amount in one go may cause hardship to him, it is ordered that the same be recovered in 12 equal monthly instalments. No orders as to costs.

(Dinesh Sharma)
Administrative Member

(Dr. K.B. Suresh)
Judicial Member

Cvr.

Annexures referred to by the applicant. :

1. Annexure A1 Government resolution dated 16.5.2017.
2. Annexure A2 Pay Fixation Memo dated 11.7.2017 in respect of the applicant.
3. Annexure A3 Legislative Department directive dated 1.8.2017

4. Annexure A4 Revised pay fixation memo dated 4.9.2017 in respect of the applicant.
5. Annexure A5 Representation dated 13.9.2017 filed by the applicant.
6. Annexure A6 OM No.A-38012/02/2017-Admn.IV (LA) dated 18.9.2017 of the Deptt. of Legal Affairs, New Delhi
7. Annexure A7 OM No.A-38011/1/2017-Admn dated 19.9.2017 of the of the Deptt. of Legal Affairs, Branch Secretariat, Bangalore
8. Annexure A8 Representation dated 19.9.2017 filed by the applicant.

Annexures referred to by the respondents :

1. Annexure R1 OM No.4-6/2017-IC/E-III(A) dated 28.9.2017 issued by the Department of Expenditure, Ministry of Finance, New Delhi
