

**CENTRAL ADMINISTRATIVE TRIBUNAL**

**ERNAKULAM BENCH**

**Original Application No.181/00030/2015**

Thursday, this the 22<sup>nd</sup> day of November, 2018

**Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member**  
**Hon'ble Mr.Ashish Kalia, Judicial Member**

1. Mirsad Khan K.C, aged 44 years  
 S/o.A.C.Dawood  
 Lecturer in Educational Technology  
 District Institute of Education & Training (DIET)  
 Union Territory of Lakshadweep  
 Kavaratti -682555  
 Residing at Kavaratti ..... **Applicant**

**(By Advocate – Mr. Mr.T.C.G Swamy)**

**V e r s u s**

- 1 The Administrator, Union Territory of Lakshadweep  
 Lakshadweep Administration, Kavaratti-682555
2. The Principal  
 District Institute of Education & Training (DIET)  
 District Panchayath, Kavaratti Island P.O  
 Union Territory of Lakshadweep, Kavaratti-682 555
3. The Chief Executive Officer  
 District Panchayath, Kavaratti Island  
 Union Territory of Lakshadweep, Kavaratti-682555
4. The Director  
 Department of Education  
 Administration of the Union Territory of Lakshadweep  
 Kavaratti- 682 555

5. The Secretary  
Department of Education  
Administration of the Union Territory of Lakshadweep  
Kavaratti – 682 555
  6. The Junior Accounts Officer  
District Panchayath, Kavaratti Island P.O  
Union Territory of Lakshadweep, Kavaratti-682 555
  7. The Accounts Officer (Secretariat)  
Department of Education  
Administration of the Union Territory of Lakshadweep  
Kavaratti – 682 555
- ..... **Respondents**

**(By Advocate – Mr.S.Manu)**

This Original Application having been heard on 22.11.2018, the Tribunal on the same day delivered the following:

**ORDER (ORAL)**

**Per: Mr.E.K.Bharat Bhushan, Administrative Member:**

Applicant in the Original Application had been initially appointed as Trained Graduate Teacher in the Department of Education under respondent no.4 on 25.10.1993. The grade that she obtained at that stage viz; Rs.1400-2600 was subsequently revised to that of Rs.5500-9000 while implementing the recommendations of 6<sup>th</sup> Central Pay Commission. He was subsequently granted the pay scale of Rs.6500-175-10500 with effect from 25.10.2005 which was later revised as Rs.7500-12000 with effect from 1.2.2006. Replacement Pay Band of the same was Rs.9300-34800/- with Grade Pay of Rs.4800/- in Pay

Band 2. At this stage, the applicant was selected and appointed on deputation as Lecturer in the respondent Organisation and was subsequently absorbed with effect from 26.11.2009.

2. Applicant's contention is that his pay was not fixed correctly and he approached this Tribunal by filing O.A 926/2012. While the case was pending, 2<sup>nd</sup> respondent issued an Office Order at Annexure A-2 and subsequently Annexure A-3. This Tribunal in O.A 926/12 finding that as the representation made therein before the first respondent had been considered, closed the Original Application on the ground that the main relief sought in the Original Application has been fulfilled.

3. In the present Original Application, the order which is impugned and cited is an undated note of Junior Accounts Officer which appears to be a part of the file circulated to the Principal, District Institute of Education & Training who is the Administrative Head and respondent no.2 of this O.A. The Annexure A-1 communication reads as follows:

**“ Bill Return Memo**

On verification of fixation orders it is revealed that, the fixation orders are in order. Personal Pay not taken as Basic Pay for any purpose. Therefore the fixation file along with service book of Shri.K.C.Mirsed Khan may be forwarded to CEO for approving.

J A O

To  
The Principal  
DIET,Kavaratti ”

4. Today, when the matter was taken up for final hearing, Smt.Kala on behalf of the applicant submitted that Junior Accounts Officer had no authority to take an adverse view of the action proposed under Annexures A-2 and A-3. According to her, the Junior Accounts Officer without due authority is overriding the benefits granted under Annexures A-2 and A-3.

5. Learned standing counsel for the Lakshadweep Administration per contra submits that the Junior Accounts Officer's duty is to examine the proposal before disbursing the arrears. It is true that a different view has been taken by the Junior Accounts Officer as is seen at paragraph 11 of the reply statement. However, learned counsel for the respondents submitted that this is not a final order. The same bill or revised bill for re-fixation can be considered.

6. After taking into account the issues and pleadings made by the two counsel, we are of the view that the matter has not attained finality. Respondent no.2 is duty bound to consider the orders issued at Annexures A-2 & A-3 with regard to the various benefits due to the applicant. The impugned order cited by

the applicant is only an internal communication wherein the Junior Accounts Officer has expressed some reservations. It is for the respondent no.2 who is the Head of Office to take a view in accordance with the Rules on the subject and communications of Government of India from time to time. It is to be understood that the Head of the Office has the vested powers of Chief Accounting authority. Respondent no.2 is directed to issue a considered order on the basis of the facts presented before him. This shall be done within 30 days of receipt of copy of this order.

7. The Original Application stands disposed of. No costs.

**(ASHISH KALIA)**  
**JUDICIAL MEMBER**

**(E.K.BHARAT BHUSHAN)**  
**ADMINISTRATIVE MEMBER**

**List of Annexures**

Annexure A1 - True copy of “Bill Return Memo” issued by the 6<sup>th</sup> respondent, returning the arrear bill of the applicant to the 2<sup>nd</sup> respondent during the first week of September 2014

Annexure A2 - True copy of Office Order bearing F.No.1/3/2008-DIET/179 dated 11.6.2013, issued by the 2<sup>nd</sup> respondent

Annexure a3 - True copy of Office Order bearing F.No.1/3/2008-DIET/199 dated 20.6.2013, issued by the 2<sup>nd</sup> respondent

Annexure R1(a) - A true copy of the order F.No.1/6/2009-DIET dated 5.12.2009

Annexure R1(b) - A true copy of the order dated 28.11.2008

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