

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA**
CIRCUIT COURT AT PORT BLAIR, A & N ISLANDS

OA No. 531/000101/2015

Date 10-10-2015

PRESENT:

THE HON'BLE MR JUSTICE G. RAJASURIA, JUDICIAL MEMBER
THE HON'BLE MS JAYA DAS GUPTA, ADMINISTRATIVE MEMBER

CHRISTOPHER KIRKEKETTA & ORS
V/S
POLICE

For the Applicants	: Mr. A. Nag, Counsel
For the Respondents	: Mr. S. K. Mandal
	Mr. S. C. Mishra
	Counsel

ORDER

JUSTICE G. RAJASURIA, JM

Heard both.

2. This OA has been filed seeking the following reliefs:

“a) Leave be granted to move the application jointly under Rule 4 (5) (a) of the Central Administrative Tribunal(Procedure) Rules, 1987;

b) An order/orders quashing the order dated 18.02.2014, 20.01.2015 & 25.03.2015 passed by the respondent authorities;

c) An order/orders directing the respondent authorities to revise the pay scale of the applicants and grant them the pay scale of Rs. 5200-20200 with grade pay of Rs. 2000/- as recommended by the 6th Pay Commission with effect from 01.01.2006;

d) An order/orders directing the respondent authorities to amend the recruitment rule placing the applicants in Group C post and fixing their pay scale in PB-I with grade pay of Rs.2000/-;

d) An order/orders directing the respondent authorities to grant all the consequential and monetary benefits to the applicants after fixing their pay in the pay band of Rs. 5200-20200/- with grade pay of Rs. 2000/- w.e.f. 01.01.2006;

e) An order/orders directing the respondent authorities to grant all the consequential and monetary benefits to the applicants after fixing their pay in the pay band of Rs. 5200-20200 with grade pay of Rs. 2000/- w.e.f. 01.01.2006;

f) An order directing the respondent authorities to act in accordance with law;

g) An order to issue directing the respondents to produce the records of the case before this Hon'ble Tribunal so that conscious able justice may be done;

h) Such other or further order direction or directions, as Your Lordships deem fit and proper in the interest of justice."

3. The Learned Counsel for the Applicant would submit that since the respondent authorities state that they referred the matter to the 7th CPC and if the 7th CPC decides the applicants' entitlement for higher scale of pay then the same may be ordered to be given effect to from 01.01.2006 by the A&N Administration; whereas, the Learned Counsel for the Respondents by producing the copy of the communication dated 16th April, 2015 sent by the Director General of Police, A&N Administration to the Joint Secretary, GoI, Home Affairs, New Delhi would develop his argument that the matter would be considered by the 7th CPC.



4. Now the question arises as from what date if at all the plea for higher scale of pay of the applicants is accepted by the 7th CPC, would take effect. On the one hand, the learned counsel for the applicant would submit that in that event the benefits should be given with effect from 01.01.2006, but on the other hand, the learned counsel for the respondents would submit that in that event from the date of implementation of the 7th CPC only the higher pay scale would be admissible to the Applicants.

5. As such, we do not decide the matter on merits. In the event of 7th CPC accepting the plea of the applicants and recommending higher scale of pay, and the Government accepting the same then it is open for the applicants to address the A&N Administration for giving effect to it from 01.01.2006 and thereupon a speaking order thereon shall be passed by the A&N Administration and communicate the same to the applicants.

6. This OA is accordingly disposed of. No costs.

(Ms. Jaya Das Gupta)
Admn. Member

(Justice G. Rajasuria)
Judicial Member