

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH
CIRCUIT SITTING AT RANCHI
OA/051/00253/18**

Date of Order: 11.01.2019

C O R A M

**HON'BLE MR. JAYESH V. BHAIKAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER**

Pramod Kumar, S/o Shri Chandirika Ray, aged about 40+ years Flat No. 3C, Kinudeep Enclave, Prem Nagar, Road No. 6, Latma Road, Singh More, Hatia, Ranchi-834003.

..... Applicant.

By Advocate: - Mr. M.A. Khan

-Versus-

1. Union of India through the Central Provident Fund Commissioner, Employees' Provident Fund Organisation (Ministry of Labour & Employment, Govt. of India), Head Office, Bhavishya Nidhi Bhawan, 14-Bhikaji Cama Place, New Delhi-110066.
2. Assistant Provident Fund Commissioner, Employees' Provident Fund Organisation, Govt. of India, Ministry of Labour & Employment, Regional Office, Jharkhand, Bhagirathi Complex, near Circuit House, Karamtoli, Ranchi-834001.
3. Regional Provident Fund Commissioner, Employees' Provident Fund Organisation, Government of India, Ministry of Labour & Employment), Regional Office, Jharkhand, Bhagirathi Complex, near Circuit House, Karmtoli, Ranchi-834001.

..... Respondents.

By Advocate: - Mrs. M. Patra for Mr. H.K. Mehta, Sr. SC.

**ORDER
[ORAL]**

Per Dinesh Sharma, A.M.:- The case of the applicant is that he was promoted to the post of Social Security Assistant with Grade Pay of Rs. 2800/- w.e.f. 14.11.2005. Though the relevant rules regarding the pay of Social Security Assistant provide for revising the Grade Pay from Rs. 2800/- to Rs. 4200/-. This has not been done in his case though everyone else who

got promoted as SSA in 2005 have got it. The applicant has been denied this revision on the ground that he came on on request transfer from Vapi, Gujarat to Ranchi in the year 2008 and because of that he was put at the bottom of the seniority list. The applicant has also argued that 2 persons, namely, Parvez Akhtar and Shri Prabhat Kumar who came to this region on similar transfer and who were juniors to him are getting this higher Grade Pay of Rs. 4200/- while he is being unjustly denied this pay. The applicant has asked for granting him promotion as Sr. SSA within 60% zone of consideration in the Grade Pay of Rs. 4200/- after completion of 4 years in the cadre of SSA w.e.f. 15.11.2009 along with arrears.

2. The respondents in their written statement have denied the claim of the applicant. They have alleged that on his request for inter-regional transfer from Sub Regional Office, Vapi to Regional Office, Ranchi, he was transfer to Ranchi on the following terms:-

“ a. He will be entitled to pay fixation in the post of SSA as per rules.

b. The transfer being allowed at his own request, he will not be entitled to any TA/DA and joining time to join RO, Ranchi.

c. He will be accommodated as junior most SSA in Jharkhand Region w.e.f. 1407.2008. His past services rendered in EPFO will be counted for the purpose of appearing in the departmental examination and not for promotion in the next cadre.”

3. According to them, since he was put at the bottom of the seniority list he could to be considered for the post of Sr. SSA. In reply to the applicant's submission about Shri Pervez Akhtar and Shri Prabhat Kumar the

respondents have clarified that these two persons were already drawing Grade Pay of Rs. 4200/- after completion of 4 years of regular service in their original place before they were transferred to Ranchi.

4. The applicant in his rejoinder has stated that the Grade Pay of Rs. 4200/- cannot be said to be a promotion from SSA to Sr. SSA and his request is limited to grant of Grade Pay of Rs. 4200/- on account of completion of 4 years on 15.11.2009 and not by way of promotion. He has also alleged that in all India 1998 batch the applicant is the sole employee with GP of Rs. 2800/- and all his batchmates are in the GP of Rs. 4200/- right from the year 2009.

5. After going through the pleadings and hearing the arguments it is clear that the sole reason the applicant is denied the GP of Rs. 4200/- is the fact of his having been transferred on his own request before he completed 4 years as SSA. A plain reading of Annexure/1 to the written statement (OM of EPFO dated 14.11.2007) will make it clear that the SSAs were put in the scale of Rs. 4000-100-6000/- for the first 4 years and were to be put in the time scale of Rs. 4500-125-7000/- on completion of 4 years of regular service. When a transfer is made on a person's own request a person is not entitled to any TA/DA or joining time and is accommodated as junior most SSA in the region to which he is transferred. Such transfer will also affect the person's seniority and for that reason his promotion in the next cadre. However, it is nowhere mentioned amongst these conditions that his pay scale will be effected or it will amount to a break in his regular service. Therefore, not paying the scale which the applicant became entitled

to on completion of 4 years of regular service is patently wrong. The respondents have not given any logical reasons for denying this except for mentioning his intra-regional transfer. We can understand that such transfer would affect his seniority and promotion. But not granting him the pay scale he became eligible after completion of 4 years of regular service as Social Security Assistant, appears to be totally unwarranted. We, therefore, direct the respondents to give him the revised pay equivalent to the scale of Rs. 4500-125-7000/- (and the Grade Pay associated with this scale) from the date the applicant finished 4 years of regular service (whether in Vapi, Gujarat or at Ranchi) as Social Security Assistant. This is not to say anything about his seniority or promotion vis-à-vis other persons in Ranchi region. The OA is disposed of accordingly. No order as to costs.

[Dinesh Sharma]
Administrative Member
Srk.

[Jayesh V. Bhairavia]
Judicial Member