

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH**

OA No. 377 of 2014

**Present: Hon'ble Mr.Gokul Chandra Pati, Member (A)
Hon'ble Mr.Swarup Kumar Mishra, Member (J)**

Ram Hari Sahu, aged about 43 years, S/o Sri Jagdish Sahu at present working as Assistant Director (Official Language) on deputation, Employees' Provident Fund Organisation, Panposh Road, Rourkela – 769004, PS –Raghunathpalli, Rourkela in the district of Sundargarh, Odisha.

.....Applicant

VERSUS

1. The Central Provident fund Commissioner, Employees' Provident Fund Organisation (Head Office), Bhavishyanidhi Bhawan, 14 Bhikaji Cama Place, New Delhi – 110066.
2. Central Board of Trustees represented through Chairman, Employees' Provident Fund Organisation, Bhavishyanidhi Bhawan, 14 Bhikaji Cama Place, New Delhi – 110066.
3. Regional Provident Fund Commissioner, EPFO, Bhavishya Nidhi Bhawan, Janpath, At/PO-Bhubaneswar-751022, Dist-Khurda, Odisha.
4. Regional Provident Fund Commissioner-II, Sub-Regional Office, Employees' Provident Fund Organisation, Panpose Road, Rourkela, Dist.-Sundargarh, Odisha.
5. Secretary, Govt. of India, Ministry of Labour & Employment, New Delhi.

.....Respondents.

For the applicant : Mr.K.C.Kanungo, counsel

For the respondents: Mr.S.S.Mohanty, counsel

Heard & reserved on : 31.7.2019 Order on : 26.8.2019

O R D E R

Per Mr.Gokul Chandra Pati, Member (A)

The applicant has filed this OA seeking the following reliefs:-

- “(a) To admit the original application and to quash the office orders/letters dated 5.11.2013, 1.10.2012, 5.3.2012, 16.9.2011, Note dated 21.2.2011, Orders dated 1.2.2011 and 31.3.2010 respectively.
- (b) To restore grade pay of Rs.4600 from 1.1.2006 vide OM dated 13.11.2009 in the corresponding pay scale of Rs.7450-11500 in PB-II.
- (c) To direct the respondents to bring the pay at the minimum stage of Rs.18460/- ($7450 \times 1.86 + 4600 = 13860 + 4600 = 18460$) as on 1.1.2006 vide OM dated 13.11.2009 and fix the pay entertaining the refixation at Rs.18880/- ($7675 \times 1.86 + 4600$) after granting an annual increment of Rs.225/- due as on 1.1.2006 in the pay scale of Rs.7450-225-11500 vide OM dated 19.3.2012 & 3.1.2013

respectively and as per representation dated 26.2.2013 and re-exercised option submitted to the respondents.

- (c) To allow 1st financial upgradation under MACP scheme in the immediate next higher grade pay of Rs.4800 in the pay band 2 w.e.f. 1.9.2008 as per OM dated 19.5.2009.
- (d) To allow all consequential benefits with all arrears of pay & allowances arising on or after 1.1.2006 along with payment of interest on arrears of pay and allowances i.e. 6% per annum as per Head Office (EPFO) letter dated 11.4.2012 within specific time limit.
- (e) To refund the recovered amount of Rs.36001/- effected from the salary of the applicant.
- (f) To pass any other order/orders as deemed fit and proper."

2. The facts in brief in this OA are that the applicant joined as Hindi Translator Grade-II in the 5th CPC pay scale of Rs. 5000-8000/- on 11.2.1997. It is the case of the applicant that the Department of Official Language order dated 2.4.2004, the scale of pay of Junior Hindi Translator (in short JHT) was revised to Rs. 5500-9000/- w.e.f. 1.1.1996 in respect of the JHOs of the Central Secretariat. In respect of the JHOs working under the respondents Central Provident Fund Commissioner (in short CPFC), an award of the Labour Court was passed by which the JHOs were allowed the scale of 5500-9000/- w.e.f. 1.1.1996 and this Award was subsequently confirmed by Hon'ble Delhi High Court. It is stated in the OA in case of another JHT, the respondents fixed his pay scale at Rs. 6500-10500/- w.e.f. 1.1.2006. W.e.f. 1.1.2006 after implementation of 6th CPC revised pay scales, Ministry of Finance vide order dated 24.11.2008 (Annexure-A/2) allowed same pay structure to all JHTs at par with the JHTs of Central Secretariat with the revised pay scale of Rs. 6500-10500/- plus the Grade Pay of Rs. 4200/-. The respondents implemented this decision. Accordingly, the pay of the applicant was fixed at Rs. 16290/- including the GP of Rs. 4200/-. Vide the OM dated 13.11.2009 (Annexure-A/5), the pay scale in the pre-revised scale of Rs. 6500-10500/- as on 1.1.2006 was revised to the pre-revised pay scale of Rs. 7450-11500/- with the GP of Rs. 4600/-. Thereafter, the pay of the applicant was fixed at Rs. 17140/- with the GP of Rs. 4600/- vide order dated 31.3.2010 (Annexure-A/6). But such fixation of pay was disallowed vide order dated 19.10.2010 (Annexure-A/7) and vide order dated 1.2.2011 (Annexure-A/8). The applicant was asked to refund the amount paid to him wrongly. The applicant submitted a representation basing on the order of Patna Bench of CAT in a similar case.

3. The applicant was allowed 1st financial upgradation under MACP Scheme to pay band of Rs. 9300-34800/- with the GP of Rs. 4600/- w.e.f. 1.9.2008. Then the respondents further reduced the pay of the applicant from Rs. 16690/- to Rs. 16140/- w.e.f. 1.1.2006 vide order dated 16.9.2011 (Annexure-A/13). The applicant submitted representation dated 21.9.2011 (Annexure-A.16) alleging

illegality in fixation of his pay. It is stated that the respondents further reduced the pay of the applicant from Rs. 16140/- to Rs. 15740/- w.e.f. 1.1.2006 vide order dated 5.3.2012 (Annexure-A/17) without assigning any reason. The order dated 27.9.2011 of Ernakulam Bench of the Tribunal was upheld by Hon'ble High Court. Vide order dated 13.7.2012 in OA No. 856/2012 of Ernakulam Bench of the Tribunal, allowed fixation of pay at Rs. 13860 plus the GP of Rs. 4600/- in favour of the applicant K. Vijayan and it was directed that similar benefit is to be allowed other similarly placed employees. The applicant submitted representation for allowing the 1st MACP benefit to the GP of Rs. 4800/-. The pay of the applicant was again revised to Rs. 17140/- with the GP of Rs. 4200/- w.e.f. 1.1.2006 vide order dated 1.10.2012 (Annexure-A/24). On 4.2.2013, the applicant submitted a representation to allow the benefit of Ernakulam Bench as per the order dated 27.9.2011 in OA No. 107/2011 in the case of T.P. Leena Vs. Union of India, which was upheld by Hon'ble Apex Court. The Full Bench of Ernakulam Bench of the Tribunal in OA No. 565/2012 vide order dated 14.10.2013, decided a similar matter allowing the GP of Rs. 4600/- w.e.f. 1.1.2006 to all the JHTs on the basis of the OM dated 13.11.2009 (Annexure-A/5). The applicant submitted a representation dated 25.0.2013 (Annexure-A/40) for fixation of his pay at Rs. 18460/- in the GP of Rs. 4600/- w.e.f. 1.1.2006. Vide order dated 5.11.2013 of the CPFC (Annexure-A/41), the said representation of the applicant was rejected.

4. Following main grounds have been mentioned in the OA:-

- (i) The applicant is entitled for the benefit of the order of Ernakulam Bench in similar cases. As per the judgment of Hon'ble Apex Court in the case of Inder Pal Yadav vs. UOI 1985(2) SCC 648, Government should have extended the benefit of any Court order to other similarly placed employees.
- (ii) No reason has been mentioned in the order rejecting the representation.
- (iii) The applicant is entitled to get the pre-revised pay scale as claimed and the respondents are not granting the benefit violating the order of the Tribunal.
- (iii) The respondents after granting the benefit, reduced the same without mentioning any reason.

5. Counter has been filed by the respondents stating that the OA is not maintainable on the ground of limitation since the orders passed in the year 2010 and 2011 have been challenged in this OA. It is stated that if he had any claim as per the OM dated 13.11.2009 (A/5), then it cannot be considered at the belated stage. The pre-revised pay scale of the applicant was revised from

Rs. 5000-8000/- to Rs. 6500-10500/- w.e.f. 1.1.2006 and his revised pay was fixed at Rs. 16290/- with the GP of Rs. 4200/- as per the circular dated 9.1.2009 (Annexure-R/1). On 12.1.2009 (R/1-A), a corrigendum was issued stating that it was the recommended scale and not the revised pay scale. Vide order dated 8.6.2009 (Annexure-R/3), the pay of the JHT was to be revised based on the pre-revised scale of Rs. 5000-8000/- with the GP of Rs. 4200/-. Then vide order dated 13.11.2009 (Annexure-R/4), the posts with pre-revised pay scale of Rs. 6500-10500/- was to be fixed with the GP of Rs. 4600/-. Though this order was not applicable for the JHTs, the applicant's pay was fixed wrongly with Rs. 4600/- as the GP. The mistake was detected later on and his pay was reduced from Rs. 17140/- to Rs. 16690/- w.e.f. 1.1.2006 vide order dated 1.2.2011 (Annexure-R/8). When the matter was examined by the audit, it was found that his pay should have been fixed at Rs. 15740/- and accordingly, his pay fixation was modified (Annexure-R/10). As per the Award of the Labour Court, the pre-revised pay of the JHTs was fixed at Rs. 5500-9000/- w.e.f. 1.1.1996 vide order dated 11.4.2012 (Annexure-R/11) and accordingly, the pay of the applicant was re-fixed w.e.f. 1.1.1996 according to which, the pay as on 1.1.2006 will be Rs. 17410/- (Annexure-R/12) including the GP of Rs. 4200/-. It is stated in the Counter that the GP of Rs. 4600/- is not applicable for the applicant since the OM dated 13.11.2009 was applicable for the employees who were in the pre-revised scale of Rs. 7450-11500/-. It is further stated that the 1st MACP benefit raising the applicant's GP from Rs. 4200/- to Rs. 4600/- has been correctly allowed.

6. The applicant has filed Rejoinder, mainly reiterating the averments in the OA stating that he was entitled for the benefit of the order of Ernakulam Bench of the Tribunal for the JHTs. The reply filed to Rejoinder, denied the contentions. Thereafter, the applicant has filed a copy of the judgment dated 14.10.2013 of the Ernakulam Full Bench of the Tribunal in OA No. 656/2012 and OA No. 953/2012 and a copy of the judgment dated 1.4.2015 of Hon'ble High Court of Kerala by which, the judgment dated 14.10.2013 was upheld. The respondents filed a reply to the Memo filed by the applicant enclosing copy of the above judgments stating that the OM dated 13.11.2009 of the Ministry of Finance is not applicable to the applicant. Regarding the judgments cited by the applicant, it is stated that these judgments do not pertain to the employees of the EPF Organization and any revision of pay scale of the employees requires approval of the Board of Trustees.

7. Learned counsels for the applicant were heard. He submitted that it is a covered case and the order dated 26.2.2016 of the Principal Bench of the Tribunal in OA No. 3806/2014 was filed along with the written note filed on

behalf of the applicant. Learned counsel for the respondents submitted that the subject matter related to the year 2009-2010 for which it is barred by limitation.

8. The issue of limitation raised by the respondents will be examined by us before proceeding further. In reply, the applicant in his Rejoinder has stated that when the respondents did not take any action on his representations, he had approached the Tribunal in OA No. 853/2012 which was disposed of on 3.1.2013 with direction to the respondents to dispose of his representation. Then the respondents have passed the order dated 5.11.2013 (A/41) rejecting his representation, which is impugned in this OA. It was, therefore, submitted that there was no delay.

9. It is a fact that although the applicant's pay fixation in the revised scale w.e.f. 1.1.2006 was being modified and changed from time to time. The latest order was passed on 1.10.2012 (Annexure-A/24 of the OA) fixing the revised pay of the applicant at the level of Rs. 17410/- including the GP of Rs. 4200/-. He filed the OA No. 853/2012 requesting for disposal of his representation. The Tribunal vide order dated 3.1.2013 directed for disposal of the representation and then the respondents have passed the order dated 5.11.2013 (A/41) rejecting the representation dated 16.3.2012 of the applicant. In view of the order dated 1.10.2012 for modified order for fixing the applicant's pay w.e.f. 1.1.2006, the OA No. 853/2012 cannot be said to have been filed beyond the period of limitation. Hence, the order dated 5.11.2013 is a fresh cause of action for the applicant and there is no delay in filing this OA. The objection on the ground of limitation raised by the respondents is not sustainable.

10. In this OA, the only issue to be decided is whether the case of the applicant is covered by the judgments cited by the applicant. The issue of the Grade Pay permissible to the JHTs working in different offices of the Government of India was considered and decided by the Full Bench of this Tribunal (Ernakulam) in OA No. 656/2012 and OA No. 953/2012 in the case of P.R. Anandvally Amma vs. Union of India and Others and it was held as under:-

"2. No specific point for reference is made but in view of the issue framed in the order in OAs 656/2012 and 953/2012 which is as follows :

"Whether JHTs in the Subordinate Offices of the Central Government are entitled to Grade Pay of Rs.4600/- from 01.01.2006 on the basis of OM dated 13.11.2009 or not."

the same issue has to be held to be the issue referred to the Full Bench.

3. In OA 656/2012, the applicant is a Junior Hindi Translator (JHT) in the National Institute of Fisheries Post Harvest Technology and Training, Cochin.

She was regularised as JHT in the pay scale of Rs.5500- 8000. Her pay scale was upgraded to Rs.5500-9000 with effect from 01.01.1996 notionally and with monetary benefits with effect from 11.02.2003 on the direction of the Tribunal in OANo. 675/2005. She was granted grade pay of Rs.4600/- in Pay Band of Rs.9300-34800 with effect from 01.01.2006 vide order dated 22.03.2010. Holding that the order for grant of Grade Pay of Rs.4600/- was not in accordance with OM dated 24.11.2008 and OM dated 13.11.2009, it was cancelled vide order dated 21.07.2012. The applicant was granted first financial upgradation under the ACP Scheme with effect from 09.05.2006 after the implementation of the 6th Central Pay revision with retrospective effect from 01.01.2006.

4. Applicant in OA 953/12 is also a JHT in the office of the Development Commissioner, Cochin Special Economic Zone, Kakkanad whose pay scale was Rs.5000-8000. He was given the replacement scale in Pay Band of Rs.9300-34800 with grade pay of Rs.4200/- with effect from 01.01.2006. He is aggrieved by the denial of Grade pay of Rs.4600/- as was given to other officials similarly placed as him. He was given first financial upgradation under the ACP scheme on 12.12.2006 to the pay scale of Rs.5500-9000 after the VI Pay revision with retrospective effect from 01.01.2006.

5. Thus the applicants in both the OAs claim that they are entitled for Grade Pay of Rs.4600/- in PB-2 of Rs.9300-34800 with effect from 01.01.2006 on the basis of OM dated 13.11.2009. According to them on the basis of above OM dated 13.11.2009 those posts which were in the pre-revised pay scales of Rs.5000-8000 / 5500-9000 as on 01.01.2006 should be granted the grade pay of Rs.4600/- in the Pay Band PB-2, corresponding to the pre-revised scale of Rs.7450-11500 which were granted the normal replacement pay structure of Grade Pay of Rs.4600/- in the Pay Band PB-2 with effect from 01.01.2006.

.....
15. Thus as already referred, in para-8 of the order, the Division Bench framed the issue as to whether JHTs in the Subordinate Offices of the Central Government are entitled to Grade Pay of Rs.4600/- from 01.01.2006 on the basis of OM dated 13.11.2009 or not.

16. Thus, the Division Bench observed in para-15, that it is erroneous to contend in the absence of a declaration by the Coordinate Bench, that it had decided or explain the issue of granting the grade pay of Rs.4600/- to JHT in OA No. 107/11 and again the Division Bench observed in para-17 of the order that the facts and issues being different, the OAs are not similar and the reliance of the applicants on the decision in OA No. 107/2011 or 675/2005 is misplaced. Thus, when the opinion of the Division Bench was that the issue with regard to the applicability of grade pay of Rs.4600/- to JHTs on the basis of OM dated 13.11.2009 was not decided in OA 107/2011 and when the issue raised in the present OAs 656/2012 and 953/2012 is different, that is applicability of the same (whether JHTs in the Subordinate Offices of the Central Government are entitled to Grade Pay of Rs.4600/- from 01.01.2006 on the basis of OM dated 13.11.2009 or not), the Hon'ble Division Bench could have taken a view.

17. In the judgment in OA 107/2011, para-11 would show that the pay scale of Rs.7450 - 11,500 is replaced by the Revised pay scale (PB-2) of Rs.9300-34,800/- with a grade pay of Rs.4600/- ie with reference to the JHTs. In para-12 of the same judgment it was observed by the Division Bench, that "And since, the grade pay the applicant was drawing was Rs.4600/-". In para-14 of the same judgment the Division Bench observed that "It is at a very late stage ie w.e.f. 01.01.2006 that the pay scale of Junior Hindi Translator was revised to Rs.7450-11,500/- and the grade pay attached to the same is Rs.4600/- as per the aforesaid First Schedule"

18. Thus, in OA 107/2011 there is specific finding with regard to JHTs grade pay being Rs.4600/-. No doubt as observed by the Hon'ble Division Bench in OAs 656/2012 and 953/2012, in OA 107/2011 there was no substantial focus on the question of JHTs being entitled for the grade pay of Rs.4600/- and as observed that question was not the bone of contention, but still there was

finding to the extent that JHTs are entitled for Grade Pay of Rs.4600/- with effect from 1-1-2006.

19. The above decision of the Division Bench in OA 107/2011 was confirmed by the Hon'ble High Court of Kerala in OP(CAT) No. 467/2012. In the concluding portion of para-5 of the judgment, the Hon'ble High Court observed that "As per Annexure A5 office memorandum dated 13.11.2009, the pay scale of Rs.6500-10500 with grade pay of Rs.4200/- was revised to 7450-11500 w.e.f. 1.1.2006 and the grade pay was enhanced to Rs.4600/-" In para-11 of the judgment the Hon'ble High Court observed that the contention of the petitioner was that the Tribunal ought not to have found that the pay scale of Junior Hindi Translator was revised to Rs.7450-11500 w.e.f. 1.1.2006 because the said scale is attached to the post of Senior Hindi Translator and not to the post of Junior Hindi Translator. That since the grade pay of Rs.4600/- is attached to the post of Senior Hindi Translator, the Tribunal ought to have found that the respondent who is Junior Hindi Translator was only be treated as continuing in the very initial grade pay of Rs.4200/- instead of the grade pay of Rs.4600/-. Thus the contention that the JHT was entitled to grade pay of Rs.4600/- was raised before the Hon'ble High Court while dealing with the writ petition No. OP(CAT) No.467/2012 against the order in OA 107/2011 and it has to be accepted that the question was considered and confirmed by the Hon'ble High Court.

20. In the paragraph-11, of its judgment in O.P. (CAT) 467/2012 the Hon'ble High Court observed that, essentially the contentions of the petitioner would reveal that according to them, paragraph-5 of the OM dated 13.11.2009 is not applicable to the respondent. Thus, the issue raised as per para-8 in the order in OANos.656/2012 & 953/2012 to which at the cost of repetition we would refer again whether JHTs in the Subordinate Offices of the Central Government are entitled to Grade Pay of Rs.4600/- from 01.01.2006 on the basis of the OM dated 13.11.2009 or not was considered specifically in the judgment of the Hon'ble High Court in OP(CAT) No. 467/2012 against the order in OA 107/2011.

21. Thus it has to be accepted that the question, as to whether the JHTs are entitled for Grade Pay of Rs.4600/- on the basis of the OM dated 13.11.2009 was answered positively in OA 107/2011 and was confirmed by the Hon'ble High Court in OP(CAT) No. 467/2012.

22. In the circumstances, the reference as to whether JHTs in the Subordinate Offices of the Central Government are entitled to Grade Pay of Rs.4600/- from 01.01.2006 on the basis of the O.M. Dated 13.11.2009 or not has to be held to be in favour of the applicants and in the circumstances of the case there is no necessity of again referring the matter to the Division Bench for deciding the matter on facts. We hold that both the OAs are liable to be allowed and the same are accordingly allowed."

11. The order dated 14.10.2013 of the Full Bench of the Tribunal in Ernakulam Bench was challenged by the respondents before Hon'ble High Court of Kerala in OP (CAT) No. 142 of 2014 in the case of Union of India & others vs. T.M. Thomas. Upholding the judgment of the Full Bench, it was held by Hon'ble High Court of Kerala as under:-

"7. It is also to be noted that the following contentions of the Central Government authorities has also been duly considered by the Tribunal and the Division Bench of this Court as can be seen from a reading of paragraphs 11 & 6 of Anx A-9 judgment of this Court in O.P(CAT).No.467/2012. The said contentions are as follows:

That the Tribunal ought not to have found that the pay scale of JHT was revised to Rs.7450-11500 w.e.f. 1.1.2006 because the said pay scale is attached to the post of Senior Hindi Translator and not to the post of JHT and that since the grade pay of Rs.4600/- is attached to the post of Senior Hindi Translator, the

Tribunal ought to have found that the original applicant, who is JHT, was only to be treated as continuing in the very initial grade pay of Rs.4200/- instead of in the grade pay of Rs.4600/- and that the initial grade pay of the applicant therein could only be taken as Rs.4200/- and on this basis it was contended that the applicant therein who was a JHT would be entitled to the first and second financial upgradations only with grade pay of Rs.4600/- and Rs.4800/- respectively. That the applicant therein was drawing the grade pay of Rs.4600/- from 1.1.2006 as a consequence of the first financial upgradation under ACP Scheme which was in force from 9.8.1998 till 31.8.2009, she is eligible for the second financial upgradation only with grade pay of Rs.4800/-. That according to the Central Government authorities, paragraph 5 of OM dated 13.11.2009 (viz, Anx A-3 herein) is not applicable to the original applicant therein, etc. The Division Bench of this Court in paragraph 11 of Anx A-9 order conclusively held that the above said contention of the Central Government authorities are not tenable and that the view of the Tribunal to the contrary cannot be said to be palpably wrong and thus the aforementioned contentions of the official authorities concerned have been substantially and effectively overruled by the Division Bench of this Court. (see page 46 and 47 of the present paper book). Further from a reading of paragraph 6 of Anx A-9 judgment of the Division Bench of this Court, it could be seen that one of the contentions specifically raised by the Central Government authorities concerned was that the post of JHT was in the pay scale of Rs.5000 -150- 8000 till 31.12.2005 and not in the pay scale of Rs.6500-10,500. That the pay scale of Rs.6500-10500 was granted to the post of JHT w.e.f. 1.1.2006 as per Anx A-4 therein with corresponding Pay Band-2 plus the Grade Pay of Rs.4200/- and according to official authorities, the post of JHT could not be treated as having carried the pay scale of Rs.6500- 10500 prior to 1.1.2006 and therefore it cannot be said that the JHT like the present applicant herein are eligible for grade pay of Rs.4600/- in the post of JHT on the basis of Anx A-2 herein (OM dated 24.11.2008) and Anx A-3 herein (OM dated 13.11.2009). The said contentions of the official authorities concerned has also been effectively and fully overruled by the Tribunal and the Division Bench of this Court in the aforementioned previous round of litigations.

8. So, though the claim made in the previous round of litigations before the Tribunal and before this Court was as to the upgraded grade pay for the first financial upgradation and second financial upgradation as per the MACPS in the post of JHT, the said claim was inextricably interlinked and interwoven with the issue as to very initial grade pay in the post of JHT held by incumbents like the present applicant herein and the applicant in the previous round of litigations. According to the official authorities, the initial grade pay of the JHT held by the applicant is only Rs.4200/- and on this basis it was contended by them that such an incumbent would be entitled to the first and second financial upgradation in the post of JHT only with Grade Pay of Rs.4600/- and Rs.4800/- respectively. This contention was overruled by the Tribunal and by the Division Bench of this Court in the previous round of litigations and it was held that as the initial grade pay in the post of JHT was Rs.4600/-, that the applicant is entitled for first and second financial upgradations as per MACPS in the post of JHT with grade pay of Rs.4800/- and 5400/- respectively. Since the issue in this regard is thus substantially and conclusively covered in the previous round of litigations, the present contention raised by the official authorities concerned that the issue raised herein is regarding initial pay in the post of JHT and that the issue raised in the previous round of litigations is distinct in so far as it related only to the first and second financial upgradation grade pays as per MACPS etc, is nothing but rehashing and refashioning the old unsuccessful contentions as new ones. Though, at first blush, these contentions appear to be attractive, the same are untenable and unsound, in view of the aforesaid aspects. On an anxious consideration of the entire aspects of the matter, we are fully in agreement with the considered view taken by the Full Bench of the Central Administrative Tribunal, Ernakulam Bench in the impugned order that the issue as to the initial grade pay for the post of JHT is thus concluded by the aforementioned previous round of litigations in favour of the respondent herein."

12. The findings of the Principal Bench of the Tribunal in OA No. 3806/2014 vide order dated 26.2.2016, which is cited by the applicant's counsel alongwith

his written note, were similar, following the Full Bench judgment dated 14.10.2013 as discussed above. In that case, the JHTs in question were under the Department of Revenue, Ministry of Finance. In the OA No. 3806/2014, it was held as under:-

"17. The learned counsel for the applicants also argued that the RRS of 2009 would not apply in any case after the Full Bench judgment came in 2013 and RRs of 2015 can apply only prospectively. As already stated, the Full Bench in P./R.Anandvally Amma (supra) was guided by the fact that there was a High Court of Kerala judgment in OP(CAT) 467/2012 confirming the Grade Pay of Rs.4600/- to JHT and in view of that, the said Grade Pay was allowed by the Full Bench. The order of the Full Bench in OA 953 and 656/2012, as affirmed by the Hon'ble High Court of Kerala, has not been set aside and still holds the field.

18. The advertisement for JHT Examination 2013 indicating the Grade pay of Rs.4200/- will not help the respondents and the decision of the Full Bench in P.R.Anandvally Amma (supra) will prevail.

19. In view of the clear finding of the Full Bench on exactly the same issue, we have to hold that JHTs in subordinate offices are entitled to Grade Pay of Rs.4600/-. The OA is thus allowed. No costs."

13. Learned counsel for the respondents has filed a written note of submissions highlighting the point that any change in the salary structure of the employees under the EPF Organization has to be approved by the Trustee. There is nothing on record to show that the instructions and the rules for pay revision and salary structure as per the decision of Government of India for its employees are not applicable to the employees under the EPF organization. Hence, the authority of the judgments as discussed above will squarely apply to the present OA.

14. In view of the discussions above and following the Full Bench judgment dated 14.10.2013 in the case of P.R. Anandvally Amma (supra), we allow the present OA and quash the impugned order dated 5.11.2013 (Annexure-A/41). The respondents are directed to allow the consequential benefits of pay revision in accordance of the aforesaid judgment dated 14.10.2013 within a period of six months. There will be no order as to cost.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

I.Nath