CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.810/2003

Monday, this the 23rd day of February, 2004

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri S. K. Naik, Member (A)

Jai Pal
House No.224, Sector 1
Type-III, Sadiq Nagar
New Delhi-49

..Applicant

(None for applicant)

Versus

1. Union of India through
Director
Intelligence Bureau
Ministry of Home Affairs
35, Sardar Patel Marg
New Delhi-21

2. The Joint Director (E)
Intelligence Bureau
Ministry of Home Affairs
35, Sardar Patel Marg
New Delhi-21

...Respondents

(By Advocate: Shri S.M.Arif)

O R D E R (ORAL)

Justice V. S. Aggarwal:

The applicant, by virtue of the present petition, seeks a direction to release the increment falling due on 1.11.1992 and pay the arrears accordingly to him. He also seeks that his pension should be revised with consequential benefits.

2. At this stage, it is necessary to mention that in the application that was filed, the applicant was seeking a direction to step up his pay with reference to his juniors and payment of arrears to that effect. The said relief had been withdrawn by the applicant with liberty to file a fresh petition and we are informed by the

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respondents' learned counsel that a separate petition has already been filed. Therefore, the scope of the present petition is confined to the release of the increment falling due on 1.11.1992 and if any consequential benefit can accrue to the applicant.

3. The applicant had joined as Constable in Himachal Police. He was absorbed in the Intelligence Bureau as JIO-I (G) from 1.1.1990. He was substantively so appointed from 1.4.1993.

4. The applicant contends that he superannuated on 30.11.2002. On the date of his superannuation, he was drawing basic salary of Rs.5600/-. The Accounts Officer (Pension) in the Intelligence Bureau on 15.11.2002 while finalising the pension case of the applicant has sought clarification with respect to the following fact:-

> "From page 16 of the service book it is found that Shri Jai Pal was drawing pay of Rs.1530/- on 1-11-1991 with DNI 1-11-1992. As per entry in the service book his pay as on 1-11-1992 is raised to Rs.1530/- only at the same stage as was on 1-11-1991, which seems to be wrong."

5. The applicant contends that he had been denied the increment due on 1.11.1992 without any just and proper cause and, therefore, the above-said relief is being claimed.

6. The petition has been contested. As per the respondents, the papers of the applicant were returned, as stated and reproduced above, but the position had been

clarified in this regard and increment due in fact from 1.11.1992 had since been accorded.

7. On perusal of the records, it is patent that the short question that comes up for consideration is as to whether or not the applicant is entitled to the increment from 1.11.1992 or whether the same has been granted to the applicant.

8. So far as the contention of the respondents that the claim of the applicant is barred by time, we have no hesitation in rejecting the same because fixing the pay and drawing the arrears would be a recurring cause though one can always couch the relief ignoring the relief which has become time barred. If the applicant is granted the said relief, he would be entitled to certain arrears before filing of the petition and necessary consequence of higher pension. Therefore, the whole of the claim cannot be held to be barred by time.

9. However, on merits of the matter, it is patent that though the Accounts Officer (Pension) had raised the objection that as per entry in the service book, the pay of the applicant was to be raised to Rs.1530/- but, as has been explained, when a query was raised by the Accounts Officer, the answer had been given and on being so satisfied, the pay has been refixed.

10. In the additional affidavit that has been filed, the position, vide letter dated 21.11.2002, has again

been explained that the increment was due from 1.11.1992 and the same reads:-

> "Please refer to your letter No. PAO/IB/MHA/Pen./02-03/1943 dated 15.11.2002 vide which pension case in respect of Shri Jai Pal, JIO-I/G was returned to us for some clarification regarding his increments for year 1991 and 1992.
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> 2. In supersession of Order No. 711/X/89 dated 18.09.89 (vide entry at page-14 of SB), 971/X/89 dated 21.12.89 and 851/X/91 dated 19.11.91 (vide entry at page-16 of SB), an Office order No-721/X/92 dated 24.09.92 was issued in respect of Shri Jai Pal, JTO-I/G. As per this, Shri Jai Pal was absorbed in TB w.e.f. 01.01.90 and his pay was fixed at Rs.1440/- p.m. and was also sanctioned personal pay of Rs.207/- p.m. to be absorbed in future increment in pay. He was further granted his increment on 01.11.90 and 01.11.91 raising his pay from Rs.1440/- + Rs.207/- (P.P) to Rs.1470/- + Rs.177/- (P.P) and from Rs.147/- (P.P) respectively. An attested copy of the above mentioned Office Order No.721/X/92 dated 24.09.92 has been attached to the service book as page No-16 and 16 B.
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> 3. The case is resubmitted herewith with the above clarification with a request to kindly issue the PPO in respect of Shri Jai Pal at the earliest."

11. The above-said letter explains the position that the pay of the applicant had been raised and increments granted year-wise, therefore, the anomaly that was pointed stands explained.

12. Resultantly, for these reasons, the petition fails and is accordingly dismissed.

(S. K. Naik)
Member (A)

(V. S. Aggarwal)
Chairman

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