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P.Jagannatham Vs. Uoi and Others

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Court : Central Administrative Tribunal CAT Hyderabad

Decided On : Jan-22-2009

Judge : P. Lakshmana Reddy, Vice-Chairman &Amp; the Honourable Mr. Hriday Narain Member (Admn.)

Appeal No. : O.A.No.204 of 2007

Appellant : P.Jagannatham

Respondent : Uoi and Others

Advocate for Pet/Ap. : Counsel for the Applicant : G.S.Rao. Counsel for the Respondents : I.Koti Reddy, SC for Rlys.

Judgement :

ORAL ORDER :

(As per Hon'ble Mr.Justice.P.Lakshmana Reddy, Vice Chairman)

Heard Mr.G.S.Rao, the learned Counsel for the Applicant and Mr.I.Koti Reddy, the learned Standing Counsel for the Respondents.

2. This application is filed aggrieved of a LPC issued on 7.8.2001, wherein the applicant's basic pay was shown as Rs.3050/- in the scale of Rs.3050-4590/-. The applicant's contention is that by that date he got first financial upgradation to the higher scale of Rs.3200-4900/- with effect from 1.10.1999 and his pay was fixed at

Rs.3710/- as on 1.10.1999, and after he got increment, his scale was increased to Rs.3795/- with effect from 1.10.2000 and that from 17.1.2001 to 16.1.2006, the applicant was imposed punishment of reduction to the minimum of scale for a period of 5 years and that by the date of that punishment his minimum pay scale was Rs.3200/-, but the respondents herein fixed his pay at Rs.3050/-.But, during the course of hearing, the applicant himself filed an order of the Divisional Security Commissioner, RPF, Hyderabad Division/SC, dated 3.6.2002, whereunder the pay fixation of the applicant was revised showing the existing pay and the revised pay. As per this letter, the applicant's pay is revised to the scale of Rs.3200-4900/- with effect from 1.10.1999 and fixed his basic pay at Rs.3710/- as on 1.10.1999 and Rs.3795/- as on 1.10.2000. Therefore, the mistake has been rectified by the respondents themselves. But, the learned Counsel for the applicant contended that the orders dated 3.6.2002 have not been implemented and arrears have not been paid. But the said fact is not pleaded in the application.

3. The grievance of the applicant set out in the application now no longer survives in view of the revision of pay of the applicant by order dated 3.6.2002. If the said orders dated 3.6.2002 are not implemented and the arrears have not been paid after re-fixing the pay in accordance with the orders dated 3.6.2002, the applicant is at liberty to file a detailed representation to the respondents showing the salary ought to have been paid and also the salary actually paid and that in the event of such representation, the respondents shall consider the same strictly in accordance with the revised pay, vide orders dated 3.6.2002 and dispose of the same granting all consequential benefits that flows from the revised pay fixation of the applicant as per the orders dated 3.6.2002 in letter No.PF/Con-063/Kcg/HYB/2002. Further, the other grievance raised by the applicant's Counsel during the course of hearing is that he has not been granted the benefit of second ACP. As seen from the reply filed by the respondents, the respondents have admitted in para 8 that as per the instructions of the Railway Board circulated under CPO/ SC Serial Circular No.92/2005 in regard to grant of financial up gradation under ACP Scheme to medically decategorised staff, who are already absorbed in an alternative post, are eligible for two financial up- gradations. But they pleaded that the applicant is still on supernumerary post and not yet absorbed in an alternative post of equivalent grade and status, and hence he could not be

granted the financial up gradation under ACP Scheme. Therefore, it is evident that the applicant is entitled for second ACP financial up gradation in the appropriate grade in accordance with the revised pay scale of the applicant as per the orders dated 3.6.2002, referred to supra.

4. Accordingly, this OA is disposed of with a direction to the applicant to submit a representation to the respondents to strictly implement the orders of the Divisional Security Commissioner, RPF, Hyderabad Division, SC, dated 3.6.2002 in his letter No. No.PF/Con-063/Kcg/HYB/2002 and to pay him the arrears and also to grant second ACP benefit. The applicant is directed to give the table in his representation regarding the amount actually drawn and ought to have been drawn for ready reference to the respondents. On submitting such representation, the respondents shall consider the same in accordance with the revised fixation of pay of the applicant by way of orders dated 3.6.2002 and to provide all the consequential benefits that flow from the said re-fixation of the applicant's pay, if they have not already paid the consequential benefits of the said re-fixation. The respondents are further directed to extend the 2nd ACP benefit also. This Order is to be implemented within a period of three months from the date of submission of the representation by the applicant. In the circumstances, there shall be no Order as to costs.

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