
(2019) 05 CAT CK 0106

In the Central Administrative Tribunal

Case No : Original Application No. 3380 Of 2019, Miscellaneous Application No. 3725 Of 2019

Ajay Kumar Puri And Ors

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 26-05-2019

Acts Referred:

Citation : (2019) 05 CAT CK 0106

Hon'ble Judges : L. Narasimha Reddy, J; Mohd. Jamshed, Member (A)

Bench : Division Bench

Advocate : DP Sharma, Subhas Gosai

Final Decision : Dismissed/Disposed Of

Judgement

L. Narasimha Reddy, J

1. The applicants are the employees of GNCTD. In the year 2013, the Department of Telecommunications issued an advertisement, inviting applications for appointment of Assistant Accounts Officer (AAO) by way of deputation. The applicants responded to the same and were appointed through letter dated 26.02.2013. They were placed in PB-2 of Rs.9,300-34,800 + Grade Pay of Rs.4800. On completion of term of the deputation, they were repatriated to the parent department.

2. The applicants submitted a representation, stating that they ought to have been placed in the Pay Scale of Rs.13,350+GP 4800 and the same was not extended to them. It was also stated that an erroneous fixation of pay was done in their cases and made a request for correction thereof. Through an order dated 11.11.2019, the respondents rejected the representation. Before doing that, they obtained the opinion of the Department of Expenditure, Ministry of Finance. The same is challenged in this OA.

3. The applicants contend that since they were not appointed on promotion but through deputation, they should have been treated at par with the direct recruits

and placed in the pay scale of Rs.13,350 with Grade Pay of Rs.4800 and that the denial of same is contrary to law.

4. Mr. Subhash Gosain, learned counsel for the respondents, on the other hand, submits that it was mentioned not only in the offer of appointment through deputation, but also the orders passed in the case of the applicants, that they will be placed in the Pay Band of Rs.9300 + Grade Pay of Rs.4800 and once the applicants have accepted the offer and joined the duty, they are precluded from challenging the same, after repatriation.

5. We heard Mr. D.P. Sharma, learned counsel for the applicants and Mr. Subhash Gosai, learned counsel for the respondents.

6. The applicants are the permanent employees of the GNCTD, occupying various posts and were in the pay scale of Rs.5200-20200 + Grade Pay of Rs.1900. On being selected and appointed as AAO in the Department of Telecommunications by way of deputation, they were extended the pay scale of Rs.9,300+Grade Pay Rs.4800. It was indeed an phenomenal increase. The applicant did not raise any objection as to the fixation of the pay structure, when they were appointed on deputation. It is only after they were repatriated to the parent department, that they made a representation, stating they their pay structure should have been Rs.13500 with Grade Pay of Rs.4800. Hardly, any basis is shown for this. In any case, the principle of estoppel and acquiescence comes into play.

7. We do not find any merit in the OA. It is accordingly dismissed.

8. Pending MA, if any, shall also stand disposed of. There shall be no order as to costs.