
(2025) 09 CAT CK 0472

In the Central Administrative Tribunal, Ernakulam Bench, Ernakulam

Case No : Original Application No. 180, 00082 Of 2025

Shoukkathali A.P, IPS & Ors.

APPELLANT

Vs

Union Of India & Ors.

RESPONDENT

Date of Decision : 30-09-2025

Acts Referred:

Citation : (2025) 09 CAT CK 0472

Hon'ble Judges : K. Haripal, Member J;V. Rama Mathew, Member (A)

Bench : Division Bench

Advocate : K.R. Radhakrishnan Nair, Anil Prasad, Baijuraj G

Judgement

V.Rama Mathew, Member A

Heard both sides. Briefly speaking the facts are as under -

1. The applicants had approached this Tribunal in O.A.Nos.406/2022 and connected matters. The O.As were disposed of by the Tribunal vide Annexure A-2 directing the respondents to consider the grievance of the applicants highlighted in their representations that after inducting into the Indian Police Service (IPS) their salary has been considerably reduced. Thereafter the applicants approached this Tribunal indicating that the order has not been implemented. When the Contempt Petition came up for consideration it was submitted by the Government Pleader that the order has been complied with by passing Annexure A-3 order. Recording the submission the Contempt Petition was closed by Annexure A-4 order on 04.09.2024. Thereafter, the respondents issued impugned order at Annexure A-9 directing to keep in abeyance the operation of Annexure A-3 order. The grievance of the applicant is that this was a calculated measure to bypass the order of this Tribunal and also to get over the Contempt of Court proceeding initiated.

2. On the other hand, the Government Pleader had submitted that an inadvertent error crept in the Annexure A-3 order which was sought to be corrected. Subsequently a fresh Government Order dated 24.03.2025 was issued wherein

GAD has stated the manner of pay fixation and pointed out that the drop in the initial pay that was granted to the applicants with effect from 30.09.2021 in IPS was almost compensated with the increment granted to the applicants with effect from 01.07.2022 i.e., within nine months from the date of their appointment in IPS. As such the actual drop in pay was only Rs.1611/-. It is only to neutralize this minor drop in the initial pay that the applicants are seeking pay protection by fixing their initial pay in the IPS on the basis of last drawn State Basic Pay of Rs.137700/-. The State Government has further submitted in their reply statement that as per the extant provisions of IPS (Pay) Rules, the contention of the applicants for fixation of their initial pay in the IPS on the basis of their last drawn State Basic Pay of Rs.137700/- is not tenable. Accordingly, Government has rejected the contention of the applicant vide Government Order dated 24.03.2025. It has also been submitted in the reply statement that the issue of fixation of the initial pay of All India Service Officers promoted from State Service is under consideration of the Government and that the methodology proposed by the respondent is being examined in order to arrive at a lasting solution to the matter and that the orders from the Government in this regard are still awaited. However, subsequent to this it is noted that till date no such comprehensive decision regarding pay fixation has yet been taken.

3. During arguments the applicants have sought implementation of Annexure A-3 Government Order dated 30.08.2024 which was issued in compliance of order in earlier O.A.Nos.406/2022 and connected cases and the refixation of the pay contained therein. It is submitted that subsequent to that no appeal has been filed against the O.A and therefore there was no justification for putting on hold an implementation order based on which this Tribunal has closed the Contempt Petition in this matter. The learned Government Pleader has submitted that the relief sought is implementation of Annexure A-3 Government order based on the Contempt Petition in the earlier O.A which was held in abeyance by Annexure A-9. He also submits that Annexure R-2 (E) which dismisses the representation by order dated 24.03.2025 has not been challenged in the O.A and was not a part of the relief sought nor has the O.A been amended to include the said document which has been filed subsequent to the filing of the O.A. It could, therefore, not have been part of the original pleadings. The Supreme Court judgment in the case of Union of India vs. T.M.Somarajan & Ors., (2010) 1 SCC 129 for clarity states that the fixation of pay could not result in a reduction of the pay at the time of promotion. Annexure A-2 order of this Tribunal has directed that the decision of the Hon'ble Supreme Court in T.M.Somarajan's case is to be followed to this extent. This anomaly has to be rectified by providing pay protection and stepping up of the salary accordingly without considering Annexure A-3 order.

4. The essence of the direction in the earlier O.As filed before this Tribunal is that the pay fixation should be done following the dictum laid down in T.M.Somarajan's decision of the Hon'ble Supreme Court. The Tribunal had not gone into details on the manner of how this fixation has to arrived at. However,

this Tribunal in O.A.No.180/14/2019 and connected cases has dealt with at some length the matter relating to pay fixation of Indian Forest Service Officer. There while we have agreed with the Accountant General 's contention that the applicants are not entitled to the grant of Selection Grade in view of the Revised Pay Rules of 2017 which is passed subsequent to the orders in O.A.No.455/2016, however, we have also held therein that the applicants are entitled to protection of their pay in the light of the decision of the Hon'ble Supreme Court in T.M.Somarajan's case. Hence, while fixing their pay in the scale just below Selection Grade since they have not completed the requisite years of service, their pay shall be fixed in the Junior Administrative Grade while granting them protection of pay in the light of the dictum passed in T.M.Somarajan's case regarding reduction in pay. We make it clear that this is merely clarificatory to the earlier order of this Tribunal in view of the confusion created in the manner of implementing the earlier order of this Tribunal in O.A.Nos.406/2022 and connected cases. Ordered accordingly. The directions shall be complied with within a period of three months from the date of receipt of a copy of this order failing which interest at the rate of 9% shall be payable to the applicants on the arrears drawn from the date they become due. No order as to costs.

(Dated, this the 30th day of September, 2025)