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**(2008) 08 AHC CK 0273**  
**In the Allahabad High Court**

Union of India (UOI)

APPELLANT

Vs

Inspector Ram Karan Mishra

RESPONDENT

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**Date of Decision :** 12-08-2008

**Acts Referred:**

**Citation :** (2008) 08 AHC CK 0273

**Hon'ble Judges :** Ashok Bhushan, J;Arun Tandon, J

**Bench :** Division Bench

**Final Decision :** Allowed

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## Judgement

Ashok Bhushan and Arun Tandon, JJ.—This intra Court appeal has been filed by the Union of India and its officers against the judgment and order of the Hon''ble Single Judge dated 14th February, 2006 passed in Writ Petition No. 45275 of 2002.

2. By means of the judgment and order under appeal, the Hon''ble Single Judge has been pleased to allow the writ petition as filed by the writ petitioner-respondent by providing that he is entitled to the revised pay scale of Rs. 6500-10,500/- with effect from 1st January, 1996. The appellant-respondents have further been directed to effect the revision accordingly within two months from the date of submission of a certified copy of the order. It is against this order of the Hon''ble Single Judge that the Union of India has approached this Court by means of the said intra Court appeal.

3. On behalf of the appellants, Sri Radha Mohan Pandey, Central Government Counsel, contends that the Hon''ble Single Judge has misread the provisions of the Government order dated 10th October, 1997, which categorically provides that the rationalisation of the pre-existing pay scales applicable to the post of Inspector as also the replacement thereof by the new pay scales would take effect from the date of issuance of the Government order only, i.e., 10th October, 1997 Clause-5 of the said Government order further clarified that for the period 1st January, 1996 to the date of issuance of the Government order, i.e., 10th

October, 1997, the revision in the pay scale shall be in accordance with the provisions of the Central Civil Services (Revised counsel for the appellants clarifies that under the 1997 Rules the pay scale as was admissible to the post of Inspector in Central Reserve Police Force prior to its rationalisation, i.e., 1640-2900/- has been revised to Rs. 5500-9000/- only and such revision, in fact, had been effected in favour of the petitioner and there was no challenge to the said revision at any point of time.

4. Reference has also been made to paragraph 6 of the supplementary counter affidavit filed on behalf of the Union of India in the writ petition, which categorically records that prior to 1st January, 1996 the pay scale admissible to the post of Inspector in Central Reserve Police Force was Rs. 1640-2900/-.

5. It is submitted that the Hon'ble Single Judge has wrongly held that writ petitioner is entitled to the revised/replacement pay scale of Rs. 6500-10500/- in terms of the Government order dated 10th October, 1997, as provided to the post of Inspectors subsequent to rationalisation of the pre-revised pay scale of Rs. 1640-2900 to Rs. 2000-3200/-.

6. Faced with the aforesaid contentions learned Counsel for the writ petitioner, Sri R.K. Ojha, in reply, submits before us that in view of the rationalisation of the pre-revised pay scales, the Inspectors have been provided the scale of Rs. 2000-3200/-. Such pay scale has necessarily to be paid to the writ petitioner also with effect from 1st January, 1996. On that basis it is claimed that in accordance with the provisions of 1997 Rules, the corresponding revised pay scale, i.e., Rs. 6500-10500/- becomes applicable to the post of Inspector in Central Reserve Police Force from 1.1.1996 Therefore, he submits that the judgment and order of the Hon'ble Single Judge is in accordance with law and does not suffer from any infirmity.

7. We have considered the submissions so raised by learned Counsel for the parties and have gone through the record.

8. It is an undisputed position that the Inspectors working in the Central Reserve Police Force were being paid salary in the pay scale of Rs. 1640-2900 prior to 1.1.1996. On the recommendation of the Fifth Pay Commission an exercise was undertaken to rationalise the pay scales of employees working in various Central Police Organisations, namely, Delhi Police, Central Reserve Police Force and C.B.I. etc. The Government of India came out with the Government order dated 10th October, 1997 wherein the pay scale of the post of Inspectors of Central Reserve Police Force was brought at par with other Central Police Organisations. It was decided to rationalise the pay scale from Rs. 1640-2900/- to 2000-3200 and after such rationalisation the replacement/revised pay scale of Rs. 6500-10500/- was provided. Clause 5 of the Government order dated 10th October, 1997, which is relevant for our purpose, is quoted below:

5. The above orders will be effective from the date of issue. For the period from 01.01.1996 till the issue of this order, the pay in the revised scale will be

regulated in accordance with the provisions of the Central Civil Services (Revised Pay) Rules, 1997.

9. From a bare reading of Clause 5 of the Government order dated 10th October, 1997 it is apparently clear that it provides that rationalisation as well as the replacement pay scale as provided under Clause 2 of the Government order would become applicable only from the date of issue of the the Government order, i.e., 10th October, 1997. In respect of earlier period, i.e., 1st January, 1996 to 9th October, 1997 it is further clarified that the revised pay scale will be regulated in accordance with the provisions of the 1997 Rules. Thus both rationalisation of the pay scale qua the post of Inspector as well as the revised pay scale under the Government order dated 10th October, 1997 had to take effect only from the date of issuance of the Government order. It is admitted on the record that writ petitioner had retired from service prior to 10th October, 1997 to be precise on 31st August, 1997.

10. Therefore, in accordance with Clause 5 of the Government order his pay was liable to be revised under the provisions of the 1997 Rules as referred to above wherein the existing pay scale of Rs. 1640-2900/- was revised to Rs. 5500-9000. At the pain of repetition we may clarify that rationalised pay scale was never made applicable to an employee like the writ petitioner, who had retired prior to the date on which such rationalisation had not taken effect, i.e., 10.10.1997 and it is in this background that the writ petitioner was never paid salary in the pay scale of Rs. 2000-3200/- nor he claimed such salary throughout his service career.

11. We are, therefore, of the considered opinion that the salary of the writ petitioner in terms of the 1997 Rules read with the Government order dated 10th October, 1997 has to be fixed in the pay scale of Rs. 5500-9000 with effect from 1st January, 1996 till he attained the age of retirement. Such revision, in fact, has been effected qua the petitioner and, therefore, no other relief as was prayed for by the writ petitioner in the writ petition could have been granted. For the conclusion arrived at by us herein above, we are supported by a judgment of the Delhi High Court in the case of Union of India and Ors. v. Lal Bahadur Singh and Ors. passed in L.P.A. No. 437 of 2000 and CM. 1523 of 2000 dated 29th November, 2005.

12. In view of the above, the appeal is allowed. The judgment and order of Hon"ble Single Judge dated 14th February, 2006 is hereby set-aside. The writ petition as filed by the respondent No. 1 is dismissed.