

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

Pronounced on : 31.07.2018
Reserved on : 25.07.2018

**CORAM: HON'BLE MR.SANJEEV KAUSHIK, MEMBER(J)
HON'BLE MRS. P. GOPINATH, MEMBER(A)**

OA No. 060/01212/2017

MES-506445 Girdhari Lal son of Shri Daya Ram, aged 63 years, Office Superintendent (Retired) Group 'C', resident of House No. 641, Siali Kullian, Pathankot (Punjab) – 145 001.

...Applicant

BY ADVOCATE: **Sh. A.L. Vohra**

Versus

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi.
2. Controller General of Defence Accounts, Delhi Cantt, Ulan Batar Road, Palam, Delhi Cantt – 110 010.
3. Garrison Engineer (West), Pathankot – 145 001.
4. Garrison Engineer (I) Air Force, Pathankot – 145 001.

...Respondents

BY ADVOCATE: **Sh. Sanjay Goyal**

ORDER

BY MRS. P. GOPINATH, MEMBER(A):-

This is the second round of litigation. Applicant had filed OA No. 863/2016 to direct the respondents to process his option exercised and pay the consequential benefits. The Tribunal had

directed respondent No. 2 to pass a reasoned and speaking order and pay the consequential arrears within stipulated time.

2. Applicant joins service on 27.01.1983 as LDC. He was promoted as UDC on 04.10.2000 and Office Superintendent on 24.01.2012. Applicant retired from service on 31.07.2014 as a civilian employee of MES. While working as UDC, the applicant's pay was fixed by 6th CPC as Rs. 9580 plus Grade Pay of Rs. 4200 as Grade Pay in the Pay Band of Rs. 9300-34800. The Government of India subsequently allowed employees to revise their initial option upto 31.12.2010 if the options so exercised, were more beneficial to them. Applicant finding a reason to file a revised option, which would be more beneficial, exercised it on 06.12.2010 for refixation of his pay as UDC w.e.f. 01.01.2006. Respondent No. 4, vide Annexure A-5, accepted his revision option and issued Part II order dated 08.12.2010 notifying therein that the applicant had opted for revision of his pay fixation w.e.f. 01.01.2006.

3. The applicant when transferred to the office of respondent No. 3 on 10.07.2012, noticed that persons junior to him were drawing more pay. Applicant discovered that this was due to the fact that his option dated 06.10.2010 had not been acted upon to refix his pay w.e.f. 01.01.2006 as per his revised option exercised. Respondent No. 3 initiated his case for revised pay fixation but due to a controversy as to which accounts office was to process the matter, his case shuttled between various offices upto his retirement. Applicant filed OA No. 863/2016 which was disposed of with the

directions to the respondents for passing a reasoned and speaking order.

4. Respondent No. 2, CGDA directed the GE (West) Pathankot being the last serving unit of the applicant as the authority to decide the claim of the applicant and to take a final decision on the claim of the applicant. This respondent passed an order that the applicant had exercised his option on 13.12.2012, and not by 31.12.2010, and was thus late by two years and disallowed the applicant's request.

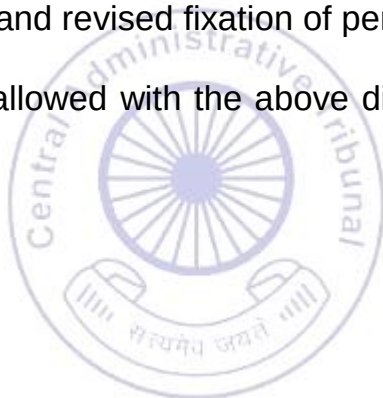
5. Applicant has produced Annexure A-4 option form duly signed and dated 06.12.2010. This document is countersigned by one Sh. A.K. Shama, Assistant Engineer (Civil) for the GE(I) (AF) Pathankot.

6. The above document produced by the applicant belies the statement made in para 4 of Annexure A-1, speaking reply that the applicant has submitted his option on 13.12.2012. This submission of the respondents is also not supported by Annexure R-1 wherein it is indicated that "Sh. Girdhari Lal has reported to this office on 01.05.2010 and he was internal posted in EIR Section as per PTO SCR No. 18/2010 dated 10.05.2010". He has given option certificate on 06.12.2010 and special PTO was published on 8th December, 2010. The applicant has given above certificate on 06.12.2010. Annexure R-1 has been issued by one P.N. Ojha, Executive Engineer (SG).

7. Respondent No. 2 who has issued Annexure A-1 speaking order, has obviously not taken cognizance of Annexure A-4 form of option submitted by the applicant and Annexure R-1 issued by GE which clearly states that the applicant has given his option certificate.

8. In view of above evidence placed on record, we find that the applicant had submitted his revised option well within the date stipulated and has thereby accrued a right for revised pay fixation w.e.f. 01.01.2006 and any attempt to deny the same by the respondents does not dilute the applicant's case. The respondents are directed to refix the pay of the applicant in the 6th CPC revised pay structure w.e.f. 01.01.2006 as per revised option submitted on 06.12.2010 with all consequential benefits including retiral benefits and revised fixation of pension.

9. OA stands allowed with the above directions. No order as to costs.



(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated:
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