

PETITIONER:
UNION OF INDIA

Vs.

RESPONDENT:
K.R. THAMPI

DATE OF JUDGMENT: 04/11/1996

BENCH:
K. RAMASWAMY, G.B. PATTANAIAK

ACT:

HEADNOTE:

JUDGMENT:

THE 4TH DAY OF NOVEMBER, 1996

Present :

Hon'ble Mr. Justice K. Ramaswamy
Hon'ble Mr. Justice G.B. Pattanaik

Ms. A. Jain, Ms. Indra Sawhney, A.K. Sharma, Advs. for the
appellant

Mahender Singh, P.R. Malhotra, C.N. Sree Kumar, K.M.
Balgopal Advs. for the Respondent

O R D E R

The following Order of the court was delivered :

O R D E R

Leave granted .

This appeal by special leave arises from the judgement
and order of the Central Administrative Tribunal, Ernakulam,
made on 4.1.1996 in OA No.462 of 1995.

The admitted position is that the respondent was
appointed as a veterinary doctor on a temporary post in the
pay-scale of Rs.650-1200/- which was subsequently revised
to Rs.2000 3500/-. After closure of the Dandakaranya
Project, instead of dismissing him from service as an
Administrative Officer, they adjusted the respondent as per
the Deployment of Surplus Staff Rules. Initially, the
respondent was allotted to the Scheduled Caste and
Scheduled Tribe Commission on their willingness to receive
him, but later on, he was not assigned any duty. On receipt
of letter from the Commission, the respondent was allotted to
the Geological Department as an Administrative Officer by
offer dated 26.2.1987. The scale of pay therein also was the
same as was of the Administrative Officer in the
Dandakaranya Project, viz., Rs.2000-3500/-. He claimed the
scale of Rs.700-1300/ which was subsequently revised to
Rs.2200-4000/- The Tribunal has directed grant of the
aforesaid relief. It is obvious that the scale of Rs.2200-
4000/- is higher scale of Assistant Director than the
Administrative Officer to which post the respondent was
appointed. On deployment to Geological Department, he was
actually drawing the scale of pay. His service were
transferred to Geological Department, Dandakaranya Project.

Learned counsel for the respondent contends that since
he was given posting as Assistant Director in the Schedule

Caste and Schedule Tribe Commission and he had agreed to report to join the duty, the mere fact his that he was not assigned any work, does not take away his right to the salary attached to that post. We find no force in this contention. Due to the letter addressed by the Commission, the Government reallocated him to the Geological Department as Administrative Officer carrying the same scale of pay drawn by him in Dandakranya Project. Under these circumstance, the view taken by the Tribunal is clearly illegal.

The appeal is accordingly allowed. He is entitled to the pay-scale of Rs.2000-3500/- in Geological Department as Administrative Officer. There will be no order as to costs.

It would be open to the respondent to make a representation to the Government on his claim for non-practising allowance; and it is for the Government to consider and dispose it of according to the Rules.