

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.12843 OF 2008

ORDER:

This Writ Petition is filed seeking to declare the action of respondents in not furnishing the information under Right to Information Act, 2005 (for short, 'the RTI Act') regarding the element included in the pay scales of 01.01.1988 and in rejecting the petitioner's appeal in Case No.CIC/AT/A/2007/01103, by order, dated 24.01.2008, as illegal and arbitrary.

2. The case of the petitioner is that he retired under Voluntary Retirement Scheme from respondent No.2 – organisation. While he was in service, the revised pay scales of 01.01.1988 were effected as per the agreement, dated 12.06.1989 and the interim relief (I.R.) was not included in the pay scales like 1984 revised pay scales. After verifying the relevant record, he submitted an application on 18.01.2007 to respondent No.2 under the RTI Act, by enclosing the previous pay scales, to furnish the detailed information for absorption of I.R. in the pay scales of 01.01.1988 as per the agreement, dated 12.06.1989. The pay fixation statements as on 01.01.1984, 01.01.1993 and 01.01.1977 were furnished by respondent No.2 and it clearly shows that the I.R. was included physically. Having not satisfied with the same, he

filed an appeal before respondent No.1. Respondent No.1, without examining the case, rejected the same by impugned order, dated 24.01.2008. As the information given by respondent No.1 is incorrect, he made another representation on 03.03.2008. As no orders are passed on such representation, he filed the present Writ Petition.

3. Counter affidavit is filed stating that respondent No.2 already replied to the petitioner under the RTI Act and supplied relevant records, including the copies of Clauses 6.2 and 9.1 of Settlement of Wage Revision of Port and Dock Workers of Major Ports, which came into force with effect from 01.01.1988 and also corresponded vide letters, dated 05.10.2006, 21.11.2006, 04.12.2006, 05.01.2007, 06.03.2007, 25.05.2007 and 25.06.2007. It is also stated that as per Government Orders, the I.R. granted from 01.01.1986 was purely temporary in nature and it was discontinued from 01.01.1988 in view of its absorption in the new wage structure as per Clause 2 of the Wage Settlement, dated 12.06.1989, and hence, in the statement issued to the petitioner, I.R. element was not shown physically as a separate item. It is also stated that the fixation of pay of the employees was done as per the methodology given in the wage agreement and arrears were also paid. It is also stated that the appellate authority also rejected the appeal filed by the petitioner holding that respondent No.2 supplied necessary

information and hence, sought for dismissal of the Writ Petition.

4. Learned counsel for the petitioner submits that the information sought for by the petitioner was not supplied and the I.R. was not shown separately.

5. On the other hand, learned counsel for respondent No.2 submits that the information as sought for by the petitioner was supplied, including the information regarding absorption of I.R.

6. The information sought for by the petitioner reads thus:

“(i) Copy of pay fixation including I.R. as contemplated in the judgment basing on the counter of Sri V.K. Aggarwal in W.P.No.25941 of 1999.

(ii) From 01.01.1988 onwards.

(iii) Copy of fixation including I.R. granted during 01.01.1986 to 31.12.1986.”

7. The information supplied by respondent No.2 is filed at page No.11 of the paper book of the Writ Petition.

8. In this case, it is to be seen that the petitioner sought copy of pay fixation including I.R. as contemplated in the judgment in W.P.No.25941 of 1999, but it is clearly

mentioned in the 'Note', in the information supplied by respondent No.2, thus:

“Note: The pay of Rs.1830/- as on 1-1-'88 was arrived as per the methodology contained in clauses 6.2 and 9.1 of the settlement on Wage Revision to Port & Dock Workers of Major Ports, dt.12-6-1989, to be read with para No.3 of the Ministry's letter No.LB-12011/87-R.O.(ii) dt.6-10-1987.”

The counter affidavit also shows that respondent No.2 has furnished the information of pay fixation to the petitioner and the appellate authority also found that the information sought for by the petitioner was furnished. In view of the same, I do not see any error in the impugned order, dated 24.01.2008, passed by the appellate authority, so as to interfere with the same in this Writ Petition filed under Article 226 of the Constitution of India.

9. Accordingly, the Writ Petition is dismissed. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. No costs.

REDDY, J
March 16, 2016
MD

A. RAJASHEKER