

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2018

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.21098 of 2016

- 1.R.Karthikeyan
- 2.R.Karthic
- 3.P.Rajkumar
- 4.S.Anbukumaran
- 5.N.S.Sumesh Kumar
- 6.R.Jagadeesh
- 7.S.Babu
- 8.S.Ponmariappan
- 9.R.Manjula Devi
- 10.K.Jayanthi
- 11.B.Kamalakannan
- 12.G.S.Raghavan
- 13.P.Madhusudhana Rao
- 14.G.Praveen Kumar

... Petitioners

Vs.

- 1.Union of India,
through the Secretary to Government of India,
Ministry of Finance, Department of Expenditure
(Implementation Cell), North Block,
New Delhi.
- 2.Secretary to Government of India,
Ministry of Defence (Finance),
Establishment-I Section, New Delhi.
- 3.The Controller General of Defence Accounts,
Ulan Batar Road, Palam,
Delhi Cantonment-110 010.
- 4.The Controller of Defence Accounts,
618, Anna Salai, Teynampet,
Chennai-600 018.
- 5.The Controller of Defence Accounts,
(Canteen Stores Department), ADELPHI,
119, M.K.Road, Mumbai-400 020.

6. The Principal Controller of Defence Accounts,
(Navy) No.1, Cooperage Road,
Mumbai-400 039.

7. The Registrar,
Central Administrative Tribunal,
Chennai Bench, Chennai-600 104.

... Respondents

Writ petition filed under Article 226 of the Constitution of India seeking to issue a writ of certiorarified mandamus to call for the records of the 7th respondent in its order dated 07.07.2015, made in O.A.No.310/00173/2014, quash the same and direct the respondents to fix the pay of the petitioners in the pre-revised upgraded pay scale of Rs.7500-12000 with effect from their respective dates of promotion as Section Officer (A)/ Assistant Accounts Officer and fix their pay in the revised Pay Band of Pay Band 2 i.e., Rs.9300-34800 with Grade Pay of Rs.4800/- at Rs.13,950/- on the date of their promotion with all consequential benefits flowing therefrom, including monetary benefits.

For Petitioners : Mr.Menon Karthik
For Respondents : Mr.V.Chandrasekaran, SPC for R1
to R6
R7 : Tribunal

ORDER

(Order of the Court was made by M.M.SUNDRESH,J.)

The only question for consideration before this Court is as to whether the petitioners are entitled for pay fixation notwithstanding the existence of Rule 7 of the Notification dated 29.08.2008, which has come into force with effect from 01.01.2006. Considering the very same issue, it has been held by the Apex Court after taking note of the decision of the Madras Bench of the Central Administrative Tribunal in Civil Appeal Nos.1350 of 2018 etc., batch dated 30.01.2018 in the following manner.

"It is clear that pay had to be determined by multiplying the existing basic pay as on 1st January, 2006 by a factor of 1.86 and rounding off the resultant figure to the next multiple of 10 in terms of the rule.

The view taken that the multiplying factor is to be applied to the revised pay-scale is contrary to the above rule.

We accordingly hold that under the relevant Rules, the pay-scale is to be determined by multiplying basic pay as on 1st January, 2006 by a factor of 1.86, Thus, the view taken by the

Madras Bench of the Central Administrative Tribunal by Order dated 7th July, 2015 in O.A.No.310/00173/2014, R.Karthikeyan & Ors. Vs. Union of India & Ors. is upheld. Even though a writ petition against the said order is said to be pending before the High Court of Madras, since the matter has arisen before us and we have considered the issue, we approve the said view. Contrary view on the subject stands set aside.

The appeals are accordingly allowed. No costs."

2. A review was filed before the Apex Court in Review Petition (Civil) No.1687 of 2018 in Civil Appeal No.362 of 2016, which has also been dismissed by an order dated 25.07.2018. The aforesaid order is also usefully recorded hereunder.

"The issue involved in the present matter was whether multiplying factor of 1.86 be applied to the existing basic pay as on 01.01.2006 or to be applied to revised pay scale. On reading of the Rules this Court found that the multiplying factor has to be applied to the existing basic pay as on 01.01.2006. Similar view taken by Central Administrative Tribunal was upheld.

We have gone through the review petition. We do not see any reason to interfere in the matter.

The Review Petition is dismissed."

3. Though the learned counsel appearing for the petitioner submitted that the issue is covered by the decision of the Apex Court, it is submitted that the scope and ambit of Rule 11 has not been considered. We are afraid the said contention cannot be accepted for more than one reason. The decision of the Full Bench has been approved by the Apex Court. The grounds have been raised placing reliance upon the decision of the Apex Court. Even in the review such a contention has been reviewed. Thus, we have no hesitation in holding that the writ petition will have to be dismissed in pursuant to the decisions of the Apex Court referred supra. Accordingly, the writ petition stands dismissed. No costs.

s/d-

Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

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To

- 1.The Secretary to Government of India,
Union of India,
Ministry of Finance, Department of Expenditure
(Implementation Cell), North Block,
New Delhi.
 - 2.Secretary to Government of India,
Ministry of Defence (Finance),
Establishment-I Section, New Delhi.
 - 3.The Controller General of Defence Accounts,
Ulan Batar Road, Palam,
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(Canteen Stores Department), ADELPHI,
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(Navy) No.1, Cooperage Road,
Mumbai-400 039.
 - 7.The Registrar,
Central Administrative Tribunal,
Chennai Bench, Chennai-600 104.
- +1 CC to Mr.Menon Karthik, Advocate sr 77768.
+1 CC to Mr.V.Chandrasekaran, advocate sr 77588.

सत्यमेव जयते

W.P.No.21098 of 2016

SV(CO)
SP(06/12/2018)

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