

**Central Administrative Tribunal  
Principal Bench**

**OA No.2230/2014**

New Delhi, this the 11<sup>th</sup> day of October, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Ms. Aradhana Johri, Member (A)**

1. Partha Protin Mukhopathyay  
s/o Late A.K. Mukhopadhyay  
Working as Sr. S.O. (A)  
Resident of Surha Mapally, Malancha  
Kharagpur, West Bengal
2. Samir Kumar Biswas  
Son of Late S.P. Biswas  
Working as Sr. S.O. (A)  
Resident of Talbagicha, Kharagpur  
West Bengal
3. Subhasish Das, S/o Late L.K. Das  
Working as Sr. S.O. (A)  
Resident of Patna Bazar, Minapur  
West Bengal.
4. Malay Kanti Bandopadhyay  
S/o Late Ugra Dass Banerjee  
Working as Sr. s.O. (A)  
R/o E/11, Saratpally, Midnapur  
West Bengal.
5. Anup Kumar Saha, S/o Late Sh. K. Saha  
Working as Sr. S.O.(A)  
R/o Nano Likaberia, Howrah  
West Bengal
6. Sri Rasananda Biswal, S/o Late U. Biswal  
Working as Sr. S.O.(A)  
R/o New Development  
Kharagpur, West Bengal.
7. Sri Ashes Kumar Parui,  
S/o Late Arun Kumar Parui  
Working as Sr. S.O.(A)  
R/o Inda, Kharagpur

8. Sri Surendra Nath Jena  
S/o Late Sanatan Jena  
Working as Sr. S.O.(A)  
R/o Rly. Qr. No.S/IV/1  
Unit-4, New Development, Kharagpur  
West Bengal
9. Sri Samir Kumar Sinha  
S/o Late N.N. Sinha  
Working as Sr. S.O.(A)  
R/o Rly. Qr. No.M.4/c-3  
Unit No.1, Kharagpur  
West Bengal
10. Sri Padma Lochan Patra  
S/o Late R.N. Patra  
Working as Sr. S.O.(A)  
R/o Rly. Qr. No.386/A/unit-2  
South Side, Kharagpur  
West Bengal
11. Sri Manas Kumar Biswas  
S/o Late D. Biswas  
Working as Sr. S.O.(A), R/o Baubetia  
Kharagpur, West Bengal
12. Asish Kumar Jana  
S/o Late Sudhir Ch. Jana  
Working as Sr. S.O.(A)  
R/o Gomai, Kharagpur  
West Bengal
13. Subrata Sarkar  
S/o Sri A.N. Sarkar  
Working as Sr. S.O.(A)  
R/o Tantigeria, Narkel Bagan  
Midnapur, West Bengal
14. Nikhil Ranjan Patra  
S/o Late Rakhal Ch. Patra  
Working as Sr. S.O.(A)  
R/o South India, Kharagpur  
West Bengal
15. Santosh Kumar Das  
S/o Late Bhupen Chandra Das

Working as Sr. S.O.(A)  
R/o Chowk Bazar, P.O. Motiganj  
Dist. Balasore, Orissa.

16. Pabitra Kumar Pal  
S/o Late Khudiram Pal  
Working as Sr. S.O.(A)  
R/o Rabindra Palli P.O. Inda  
Kharagpur, West Bengal
17. Kamalakamta Panda  
S/o Paramananda Panda  
Working as Sr. S.O.(A)  
R/o Saradapally, Inda H.No.592/12  
Kharagpur, West Bengal
18. K. Maruti Prasad  
S/o Sri K. Nageswara Rao  
Working as Sr. S.O.(A)  
R/o Rly Qr 3/NI, Unit-2  
West Bengal.
19. Banamali Das, S/o Chittaranjan  
Working as Sr. S.O.(A)  
R/o Memari, Barddhaman  
West Bengal
20. Asoke Kumar Maity, S/o N.C. Maity  
Working as Sr. S.O.(A)  
R/o Suranankar/Panskura  
Kharagpur, West Bengal
21. Kajal Baran Giri, D/o R.N. Giri  
Working as Sr. S.O.(A)  
R/o Bchala, Kolkata-0  
Kharagpur, West Bengal
22. Sudipta Sarkar, S/o Dwigun Sarkar  
Working as Sr. S.O.(A)  
R/o Bhowanipur(North)  
Kharagpur, West Bengal
23. Aparup Poria, S/o Late N.L. Poria  
Working as Sr. S.O.(A)  
R/o A/26, Vidyasagar Sarani  
Midnapur, West Bengal. .Applicants

(By Advocate: Ms. Sumita Hazarika)

Versus

1. The Secretary(Establishment)  
Railway Board, Ministry of Railway, Rail Bhawan  
New Delhi-110001.
2. The Secretary (Expenditure)  
Department of Expenditure  
Ministry of Finance  
New Delhi-110001.
3. The Secretary (Personal & Training)  
D.O.P. & T.  
Ministry of Personal, Public Grievances & Pension  
New Delhi-110001.
4. FA & CAO, South Eastern Railway  
Garden Reach  
Kolkata – 700043. ..Respondents

(By Advocates: Ms. Geetanjali Mohan and Shri Shailendra Tiwary)

**ORDER (ORAL)**

**Justice L. Narasimha Reddy:-**

This OA is filed with a prayer to direct the respondents to revise the pre-revised scale of pay of the applicants to the one Rs.7500 to 12000 instead of Rs.7450 to 11500 w.e.f. 01.01.2006. They seek further direction to upgrade the post held by them to the one of Accounts Officer/Audit Officer in the scale of Rs.5400 in PB-2 instead of Rs.4800/- and for further revision of pay scales.

2. The applicants contend that the 6<sup>th</sup> Central Pay Commission(CPC) recommended revision of pay scales w.e.f. 01.1.2006 for which pre-revised scales became the basis; and in their context, the pre revised scale itself was incorrect. According to them they were entitled to be put in the pre-revised scale of Rs.7500-12000 but wrongfully they have been put in the pay scale of Rs.7400-11500. Reliance is placed upon an Order dated 24.01.2014 passed by the Patna Bench of this Tribunal in OA No.68/2014.

3. The respondents filed a counter affidavit stating that the relief as regards pre-revised scales, preceding the implementation of the 6<sup>th</sup> Pay Commission cannot be claimed at this stage and the Pay scale of the applicants has been fixed strictly in accordance with the relevant provisions of law. The applicants filed a rejoinder also.

4. We heard Ms. Sumita Hazarika, learned counsel for the applicant and Ms. Geetanjali Mohan and Shri Shailendra Tiwary, learned counsel for the respondents.

5. The recommendations of the 6<sup>th</sup> CPC became enforceable w.e.f. 01.01.2006. The formula evolved by the 6<sup>th</sup> CPC is that the pay scale of an employee shall

be revised by multiplying the basic pay of the employee as on 01.01.2006 with the factor 1.86. This in fact, is the ratio laid down by the Hon'ble Supreme Court in a batch of civil appeals. The plea of the applicant is that they have been wrongly placed in the pay scale of Rs.7450-Rs.11500/- instead of Rs.7500-Rs.12000.

6. The grievance is referable to the fixation of pay scales on the basis of 5<sup>th</sup> CPC recommendations. That in turn, became enforceable in the year 1996. The mistake, if at all, as regards fixation of pay scales has crept in the year 1996. There is nothing on record to disclose that the applicant has ever raised this contention either after the recommendations of the 5<sup>th</sup> CPC were implemented or before the Anomalies Committee constituted soon after the report of the 6<sup>th</sup> CPC.

7. At this length of time, the grievance even if genuine, cannot be redressed. The OA is accordingly dismissed. There shall be no order as to costs.

**(Aradhana Johri)**  
**Member(A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

/vb/