

Dated: 03.03.2021

Ex. Petition No.13/DB /2021

Present: Petitioners in person.

Sri V.P.Devrani,. A.P.O., for Respondents.

Sri Deep Chand Arya, D.F.O., Uttarkashi.

Compliance affidavit has been filed on behalf of respondents stating that vide Office Order dated 18.02.2021 the compliance of the order of the Tribunal has been made while the petitioners have objected to the same.

According to the above Office Order dated 18.02.2021, the petitioners were getting the pay scale of Rs.185-265/- from 01.08.1972 and the pay scale admissible to them from 01.07.1979 was Rs.330-495/-. Petitioners have contended that they were getting pay scale of Rs.345-510/- from 01.07.1979, which should have been Rs.354-550/- . Sri Deep Chand Arya, D.F.O., Uttarkashi, who is present in person in the Tribunal, says that the scale of Rs.345-510/- belongs to the Educational Cadre and it was wrongly given at that time. The scale admissible to them at that time should have been Rs.330-495/-. Reacting to this, the petitioners, who are also present in person before the Tribunal, have produced the information received by them vide letter dated 17.07.2019 of D.F.O., Uttarakashi, according to which the Forest Guards were getting the pay scale of Rs.175-205/- from 01.08.1972, which was revised to the scale starting from Rs.330/-, while the petitioners' scale, which was effective from 01.08.1972, was initially Rs.175-250/-, which was amended to Rs.185-265/- vide G.O. dated 04.07.1973 from 01.04.1973. This scale should have been converted to the scale of Rs.354-550/- from 01.07.1979, which is next higher to the scale starting from Rs.330/-. The corresponding selection grade applicable from 01.07.1982 is Rs.454-600/- and not the scale of Rs.405-540/- , which has been shown in the office order of DFO, Uttarkashi, dated 18.02.2021.

We seem to agree with the contention of the petitioners that since they were getting higher pay scale before 01.07.1979 as compared to Forest Guards, the scale applicable to them from

01.07.1979 should be higher than the scale given to Forest Guards and the next higher scale, according to the table, is Rs.354-550/-, because the scale of Rs.345-510/-, which is said to be wrongly given to them, is of Educational Cadre. Therefore, giving them the pay scale of Rs.354-550/- from 01.07.1979 and selection grade of Rs.454-600/- from 01.07.1982, merit consideration by the respondents.

In the Office Order of 18.02.2021, Sri Nagendra Dutt Semwal, petitioner has not been shown to be eligible for selection grade, as applying the same after 16 years, makes the date applicable to be 01.09.1986, while the new pay scales have been implemented from 01.01.1986. The contention of the petitioners is that as per G.O. dated 17.10.1985 as well as G.O. dated 06.11.1985, the selection grade is to be given after 10 years of continuous satisfactory service and, therefore, Sri Nagendra Dutt Semwal should also be given the selection grade of Rs.454-600/- from 01.07.1982. This also merits consideration by the respondents.

The Tribunal is not satisfied with the reported compliance. The respondents may take suitable decision, as above, at the appropriate level within 6 weeks of presentation of certified copy of this order. If the observations made in this order are not found acceptable, then cogent reasons may be given for not agreeing with the same. Compliance be reported accordingly.

Ld. A.P.O. is requested to obtain the copy of this order for furnishing the same to the respondents within three days.

List after 6 weeks, on 19.04.2021.

RAJEEV GUPTA
VICE CHAIRMAN (A)
VM

JUSTICE U.C.DHYANI
CHAIRMAN