

BASUDEV PATI
v.
STATE OF ORISSA AND ANR.

MARCH 3, 1997

[K. RAMASWAMY AND G.T. NANA VATI, JJ.]

Service Law:

Protection of pay—Lecturer in U.G.C. pay scale—Selection to Orissa Administrative Service—Pay scales of Lecturer and Orissa Administrative Service Class II being similar i.e. Rs. 525-1150—Later U.G.C. revised scale of pay of Lecturer to Rs. 700-1600 with retrospective effect—Pay of appellant fixed at Rs. 780 as a lecturer—After his selection to Orissa Administrative Service appellant claiming protection of his last pay drawn and his upgraded fitment in the pay scale in Orissa Administrative Service—Held, claim not maintainable—The service as a Lecturer is entirely different from the service of Orissa Administrative Service—Merely because appellant happened to work earlier as a Lecturer and in the same pay scale which was subsequently revised, he cannot be permitted to have the benefit of U.G.C. scale in the Administrative Service and fitment in the pay scale on that basis.

CIVIL APPELLATE JURISDICTION : Special Leave Petition (C)
No. 4084 of 1997.

From the Judgment and Order dated 6.12.96 of the Orissa Administrative Tribunal, Cuttack in T.A. No. 610 of 1987.

Janaranjan Das, K. N. Tripathy and D. Mohanty for the Petitioner.

The following Order of the Court was delivered :

This special leave petition is filed against the order of the Orissa Administrative Tribunal at Cuttack passed on December 6, 1996, in Transfer Application No. 610/87.

Admittedly, the petitioner, while working as a Lecturer, had appeared in competitive examination and was selected to the Orissa Administrative Service. As Orissa Administrative Service, Class-II, his scale of pay was Rs. 525-1150. Earlier, also when he worked as Lecturer, the

A scale of pay was Rs. 525-1150 which was subsequently revised by the University Grants Commission w.e.f. April 1, 1974 to Rs. 700-1600. In that pay scale, his pay fixed at Rs. 780. He was paid arrears of salary with retrospective effect from 1.1.1974. After he was selected and appointed to the Orissa Administrative Service, he sought protection of his last drawn pay and his upgraded fitment in the pay scale in the Orissa Administrative Service. The Tribunal has rejected the claim. Thus this special leave petition.

Shri Janaranjan Das, learned counsel appearing for the petitioner, contends that since the petitioner had been given the pay scale with retrospective effect from 1.1.1974, on his appointment to the Orissa Administrative Service, his last drawn pay need to be protected. As per the instructions of the Accountant General, his pay is entitled to be fixed at Rs. 780 in the pay scale in the service of Orissa Administrative Service. We find no force in the contention. The service as a Lecturer is entirely different from the service of the Orissa Administrative Service. Merely because he happened to work earlier as a Lecturer and in the same pay scale which was subsequently revised, he cannot be permitted to have the benefit of U.G.C. scale in the Administrative Service and fitment in the pay-scale on that basis. That would create imbalance and gross infraction and distortion and would result in flood of claims of similarly situated person under Article 39(d) of the Constitution. Under these circumstances, such a course cannot be permitted to be adopted.

The special leave petition is dismissed accordingly.

R.P.

Petition dismissed.