

Supreme Court of India

Basudev Pati vs State Of Orissa & Anr on 3 March, 1997

Bench: K. Ramaswamy, G.T. Nanavati

PETITIONER:

BASUDEV PATI

Vs.

RESPONDENT:

STATE OF ORISSA & ANR.

DATE OF JUDGMENT: 03/03/1997

BENCH:

K. RAMASWAMY, G.T. NANAVATI

ACT:

HEADNOTE:

JUDGMENT:

O R D E R 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 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 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 Lecture 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 persons under Article 39(d) of the Consitution. Under these circumstances, such a course cannot be permitted to be adopted.

The special leave petition is dismissed accordingly.