

PETITIONER:
DURGA NARAYAN

Vs.

RESPONDENT:
CHAIRMAN AND MANAGING DIRECTOR, DENA BANK

DATE OF JUDGMENT 20/01/1995

BENCH:
HANSARIA B.L. (J)
BENCH:
HANSARIA B.L. (J)
AHMADI A.M. (CJ)
SEN, S.C. (J)

CITATION:
1995 SCC Supl. (1) 346 JT 1995 (1) 633
1995 SCALE (1) 306

ACT:

HEADNOTE:

JUDGMENT:

1. The Government of India, by a resolution dated July 19, 1973 appointed a committee consisting of five members to standardise pay scale, allowances and perquisites of the Officers in the 14 Nationalised Banks. The committee came to be popularly referred as the 'Pillai Committee' named after its Chairman. It submitted its report in May 1974. The Government appointed a Study Group of Bankers in September 1976 to make suggestions for the implementation of the report. The Committee suggested certain modifications in the method of implementation and submitted its further report in February 1977; and the Government adopted the report as modified by the Group of Bankers.

2. The question of implementation of the report as adopted by the Government was discussed by the Indian Bank's Association with various representatives of all the Confederations of Banking Officers Organisation, and the Secretary of this Association addressed a private and confidential letter to Chief Executives of various Banks including Dena Bank on March 15, 1978 & at the Government has desired to bring Pillai Committee's recommendations in force latest with effect by May 1978. The Chief Executives were, therefore, advised to take steps to introduce the new scales of pay and allowances as per the Committee's report and to make appropriate fitment in the emoluments of the existing officers with effect from 1st May, 1978, or even earlier if so desired, after discussion with the organisations representing the Officers. This letter further informed the Chief Executives about the desire of the Government that all new appointments on or after 1st May, 1978 should be on the terms and conditions contained in the Pillai Committee report.

3. The aforesaid communication was followed by a secret

letter from the Joint Secretary of the Ministry of Finance, Department of Economic Affairs (Banking Division) dated March 28, 1978, mentioning about the concern of the Government about the delay in the implementation of the recommendations of the Pillai Committee. In view of this, the Banks were advised by the Joint Secretary that if there is going to be delay in the total implementation of the recommendations, immediate steps should be taken to bring the new pay scales and allowances applicable to all new recruits and new promotees from clerks to Officers cadre, pending fitment of the existing officers in the new scales. This letter contains some other advice also.

4. It is in the aforesaid background that the Dena Bank (hereinafter the Bank) offered to appoint the appellant, pursuant to his application, in the Bank as Economic Officer in the pay scale 1 as laid down by the Pillai Committee, which is Rs.700-1800, with other allowances, perquisites and benefits as per the Pillai Committee recommendations. This offer is dated 26th May 1978 and states that the present emoluments would be as under:-

Basic Pay	Rs.700.00
Dearness Allowance	Rs.311.00

Rs. 1011.00

5. The appellant joined the Bank accordingly and after about 10 years of his service approached the Madhya Pradesh High Court with the grievance that he had been denied some increments in "Scale C" meant for Officers. He also claimed for the first time about his fitment in the new pay scale a.,; recommended by the Pillai Committee for "Scale C" Officers

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who were categorised as junior Management Grade Scale 1'Officers by the Committee. The High Court dismissed the writ petition. Feeling aggrieved, this appeal has been filed.

6. There is no dispute that the appellant is entitled to the benefit conferred by the report in question. Question is whether by fixing his basic pay at Rs. 700/- at the time of his appointment itself, the benefit has been made available to him or not. The contention of the appellant is that though the basic pay meant for Junior Management Grade Scale 1 Officer as recommended by Pillai Committee man made available to him, the fitment of which mention has been made in Dena Bank (Officers) Service Regulations, 1979 (hereinafter the Regulation) has not been; and it is this claim of his which he is pursuing. The case of the Bank on the other hand is that the appellant is not entitled to any fitment of which mention has been made in para 8 of the Regulation inasmuch as question of fitment can arise only for the existing Officers and not for new appointees like the appellant. The further case of the Bank is that whatever was made available by the Pillai Committee's report to incumbent like the appellant had been given while offering appointment to him, as has been clearly stated in the offer of appointment by which the appellant was made aware of the recommendations which he had read and noted as endorsed by him in the offer of appointment. To this the reply of the appellant is that if anything further is due to him, same may not be denied on the slippery ground of estoppel, which was also one of the reasons which had prevailed with the High Court in dismissing the writ petition.

7. There can be no denial on the facts as noted above that though Pillai Committee's recommendations were formally made

effective from 1st July, 1979, the same had come to be implemented with effect from 1st May 1978; and it is because of this, that though the appellant's offer of appointment is dated 26th May, 1978 his basic pay was stated as Rs.700/-, though in the advertisement, which was published on 25/26 August, 1977 pursuant to which appellant had applied, emoluments to be given were said to range from Rs. 325 to Rs. 925/-. So the only question left for our consideration, as already indicated, is whether anything further is due to the appellant because of what has been stated in para 8 of the Regulation relating to fitment.

8. According to us, the appellant is not entitled to any amount on this score for the following reasons:-

(1) The question of fitment can really arise only qua those officers who were in the old scale of pay and which came to be revised pursuant to Pillai Committee's Report, and not qua those who had already been given new pay scale, as was the appellant.

(2) Para 7 of the Regulation which deals with categorisation shows that Scale 'C' post was placed in Junior Management Grade Scale 1. The appellant having been put in the pay scale of Rs.700-1800, which as per the Report was meant for Junior Management Grade Scale 1, there is sufficient force in the contention advanced on behalf of the Bank in the written submissions filed on 11. 1.95, that the appellant was not holding the post in Scale 'C' on 1.7.79; and insofar as he is concerned, this post has already been equated

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with Junior Management Grade Scale 1 at the time of his appointment.

(3) The contention of the appellant as advanced in "Short Note of Argument" submitted on 10. 1.95 that he was entitled not only to the pay scale laid down by the Pillai Committee Report but benefits also (which word has been emphasised) has no cutting edge inasmuch as perusal of the Report shows that apart from the matter relating to the pay scale it dealt with "Amenities, Facilities and Benefits in Kind" which formed subject matter of Chapter 7 of the Report. So, the claim of fitment cannot be sustained on the basis of what was recommended on the score of benefits in kind.

(4) The decision of this Court in Shri Devenadra Management Trainees v. Punjab National Bank, JT 1993 (6) SC 537, which has been referred in the aforesaid note of the appellant in support of his submission, does not really advance his case, because, as rightly mentioned in the written submissions on behalf of the Bank, that case was different on facts. Therein the employees were not initially appointed in the regular pay scale as recommended by the Pillai Committee Report but were given fixed emoluments of Rs.700/-. It is because of this that they were ordered to be given the benefit of the Pillai Committee Report. Facts here are quite different.

9. We are, therefore, of the view that there is no merit in the contention of the appellant that he is entitled to any higher emolument on the score of 'fitment'. But then the offer of appointment which was given to the appellant shows that while fixing his emoluments, Dearness Allowance (DA) was mentioned as Rs.311.50. We, however, find that DA, as per Chart 1 given in the booklet titled "Pay Scales, Allowances and Perquisites of Officers in the Nationalised Banks" issued by All India Confederation of Bank Officer's Organisations (Maharashtra State Unit), of those officers whose basic pay is Rs.700 is required to be Rs.450. If this was so as per the recommendations of the Pillai Committee,

the DA of the appellant would be required to be raised to Rs.450. The Bank would verify this and do the needful within a period of two months from today by passing a speaking order in this regard, a copy of which would be sent to the appellant for his information.

10. Subject to the aforesaid observation relating to change in DA, the appeal is dismissed. On the facts and circumstances of the case, we however, make no order as to costs.

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JUDIS