

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 923 OF 2016
(Subject – Revised Pension)**

DISTRICT: AURANGABAD

Shri Ashok S/o Ramdas Kotwal,)
Age: 65 years, Occu. :Retired S.D.O.,)
R/o. Tirupati Supreme Enclave Society,)
Flat No. IB-6, Jalan Nagar, Paithan)
Road, Aurangabad-431 005.)

.. APPLICANT

V E R S U S

- 1) **The State of Maharashtra,**)
Through Secretary Water)
Resources Department,)
Mantralaya, Mumbai-400 032.)
- 2) **Principal Accountant General,**)
Maharashtra State, New Pratishtha)
Bhavan, Maharshi Karve Road, New)
Marine Line, Mumbai- 40020.)
- 3) **Chief Engineer,**)
Tapi Irrigation Development)
Corporation (TIDC), Aakashwani Chowk)
At Post. Tq. Dist. Jalgaon.)
- 4) **Superintendent Engineer,**)
Nashik Irrigation Project, Circle Sinchan)
Bhavan, Sakri Road, Tq. Dist. Dhule.)
- 5) **Executive Engineer,**)
Narmada Development Division,)
Near Khodaimata Mandir,)
At. Post. Nandurbar, Dist. Nandurbar.)
- 6) **Treasury Officer,**)
Pay Bill verification unit,)
Treasury Office, Nashik,)
Tq. Dist. Nashik.)

7) **Secretary,**)
 Finance Department,)
 Seva-5, Madam Kama Road,)
 Mantralaya, Mumbai-32.)

.. RESPONDENTS

APPEARANCE : Shri V.G. Pingle, Advocate for the Applicant.

: Smt. M.S. Patni, Presenting Officer for the
 Respondents.

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 06.09.2018.

ORDER

1. The applicant has challenged the impugned order dated 28.09.2016 issued by the respondent No. 2 by re-fixing his pension by filing this Original Application and also prayed to directed the respondents to decide the representation dated 17.09.2016.

2. The applicant has joined the service as Junior Engineer on 13.12.1973. On 01.04.1981, he was promoted as Sectional Engineer, Class-II and thereafter, promoted as Sub Divisional Officer on 13.06.2007. On attaining the age of superannuation, he retired on 31.05.2010 after rendering the service of 37 years and 6 months.

3. On 06.12.2014, the respondent No. 1 issued a Circular in respect of up gradation of Junior Engineer to

Sectional Engineer/Assistant Engineer Grade-II and fixation of pay accordingly. It is his contention that he was appointed as Junior Engineer on 13.12.1973 therefore, his date of increment was 1st of December of every year. But after up gradation as Sectional Engineer, his date of increment was changed as 1st of April 1981, which was not correct in view of the Circular dated 06.12.2014. Therefore, he made representations dated 03.12.2015 and 19.06.2015 with the respondents and requested to extend the benefit of Circular dated 06.12.2014. But his representations have not been considered by the respondents, though the benefit was extended to the similarly situated persons. Therefore, he has filed O.A. No.565/2016 before this Tribunal and challenged the Circular dated 18.10.2014 in that regard.

4. It is his further contention that he has filed one more O.A. No. 194/2016 before this Tribunal and challenged the Circular dated 18.10.2014, by which the earlier stay to the recovery on account of pay fixation has been vacated. He apprehended the recovery and therefore, he challenged the said Circular in that O.A. This Tribunal pleased to grant stay on 10.03.2016 and directed the respondents not to recover the amount against the applicant till further orders on the basis of Circular dated

18.10.2014. It is his contention that in spite of the above said facts, the respondents intentionally and deliberately wants to harass the applicant and therefore, issued letter dated 16.08.2016 for recovery of excess amount from the applicant. The applicant made detailed representation with the respondents in that regard, but without considering the representation of the applicant, the respondents have issued another communication dated 28.09.2016 regarding the downward revision pension of the applicant. Therefore, the applicant approached this Tribunal by filing the present O.A. and prayed to quash and set aside the impugned communication dated 28.09.2016. It is his contention that the said order is against the provisions of Rule 39 (2) (A) of the Maharashtra Civil Services (Pay) Rules, 1981. It is his further contention that the Rule 134 (A) of Maharashtra Civil Services (Pension) Rules, 1982 pertains to the recovery and adjustment of excess amount paid to the Government servants. It is his contention that the said rule is not attracted in this case, as the amount received by the applicant is an incentive and it cannot be treated as excess amount and therefore, the said recovery is not permissible. It is his contention that the impugned order dated 28.09.2016 is illegal and therefore, he prayed to quash and set aside the said order by filing the present Original Application.

5. The respondent Nos. 1 to 5 have filed their affidavit in reply and resisted the contention of the applicant. They have admitted the fact that the applicant joined the service as Junior Engineer on 13.12.1973. Thereafter, he was upgraded as Sectional Engineer on 01.04.1981 and thereafter he was promoted as Sub Divisional Officer. They have admitted the fact that the applicant retired on 31.05.2010 on attaining age of superannuation. It is their contention that in view of the Circular dated 06.12.2014, when the gradation of Junior Engineer to Sectional Engineer is done, the increment date of Junior Engineer remains unchanged. It is their contention that the Superintending Engineer, Dhule Irrigation Project Circle, Dhule i.e. the respondent No. 4 has fixed the revised pay of the applicant from 13.12.1973 by the order dated 08.10.2015. The Pay Fixation order along with service book of the applicant has been sent to the Pay Verification Unit, Nashik along with the letter of the Executive Engineer, Narmada Development Division, Nandurbar dated 24.11.2015 for verification of pay. But the Pay Verification Unit, Nashik made a remark on the pay fixation by the letter dated 03.02.2016 and returned papers to the Executive Engineer, Narmada Development Division Nandurbar i.e. respondent No. 5. The respondent No. 5 forwarded the same to the Superintending Engineer, Dhule Irrigation Project Circle,

Dhule i.e. the respondent No. 4 vide letter dated 04.04.2016. Thereafter, the respondent No. 4 verified the documents and returned the papers to the respondent No. 5 on 03.08.2016 and the respondent No. 5 forwarded the same to the Pay Verification Unit, Nashik vide letter dated 05.08.2016. The Pay Verification Unit, Nahsik verified the papers and sent it to the Accountant General, Mumbai for sanctioning the revised pension and other benefits. It is their contention that thereafter the impugned order dated 28.09.2016 has been issued by the Accountant General (A&E), Mumbai. It is their contention that there is no illegality in the impugned order and therefore, they prayed to reject the present Original Application.

6. The respondent No. 6 resisted the contention of the applicant by filing his affidavit in reply. It is his contention that the respondent No. 4 has fixed the pay as per the Government Circular dated 06.12.2014 and the respondent No. 6 verified it as per the Rules. It is contended by it that the respondent No. 6 is the Pay Verification Unit and it has verified the service record of the applicant. It is contended by it that the respondent No. 5 issued a letter dated 16.08.2016 for recovery of the excess amount from the applicant and the said order is legal one. It is his contention that the recovery has been ordered on the basis of

pay fixation made by the respondent Nos. 5 and 2 as per the Circular dated 18.10.2014 and there is no illegality in it and therefore, he prayed to reject the Original Application.

7. I have heard Shri V.G. Pingle, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents. I have perused the documents placed on record by both the parties.

8. Admittedly, the applicant joined the service as Junior Engineer on 13.12.1973. Admittedly, he was upgraded on the post of Sectional Engineer, Class-II on 01.04.1981 and promoted as Sub Divisional Officer on 13.06.2007. The applicant retired on 31.05.2010 on attaining the age of superannuation. There is no dispute about the fact that the applicant has filed O.A. No. 565/2016 as his representations for correction of date of increment as per the Circular dated 06.12.2014 had not been considered and decided by the respondents. Admittedly, the applicant has filed one more O.A. No. 194/2016 before this Tribunal challenging the Circular dated 18.10.2014, by which the stay granted to the recovery amount of pay fixation has been vacated. It is an admitted fact that the applicant was serving in the Tribal area and therefore, one step promotion was given to

him as an incentive. The applicant retired while in service in Tribal area and therefore, his pension has been fixed on the basis of pay drawn by him including the amount of incentive during last 10 months before his retirement. Admittedly, on 18.10.2014 the Government has issued G.R. for implementation of the G.R. dated 17.12.2013 and on the basis of the same, downward revision of pension of the applicant has been made by the Accountant General, Mumbai by the impugned communication dated 28.09.2016 and consequently, the recovery of excess payment has been directed. Admittedly, the applicant was Group-B employee.

9. Learned Advocate for the applicant has submitted that the applicant was serving in Naxalite area and therefore, the Government has granted incentive to him by way of one step promotion. Therefore, his pay has been fixed on the basis of the Circular and G.R. issued by the Government in that regard. The respondents have correctly fixed his pension earlier on his retirement. He has submitted that thereafter the respondent No. 2 by the impugned order dated 28.09.2016 revised his pension and reduced it on the ground that one step promotion was not admissible to the applicant as per the Circular dated 18.10.2014. He has submitted that the impugned order is against the

provisions of Rule 39 (2)(A) of the Maharashtra Civil Services (Pay) Rules, 1981 and therefore, it requires to be quashed. He has submitted that by the impugned order, recovery of excess payment made to him has been ordered, but the said recovery is also illegal in view of the provisions of Rule 134 (A) of the Maharashtra Civil Services (Pension) Rules, 1982.

10. He has further submitted that in view of the decision rendered by the Hon'ble Apex Court in **Civil Appeal No. 11527/2014 arising out of SLP (C) No.11684 of 2012 & ors.** in case of **State of Punjab and others etc. V/s. Rafiq Masih (White Washer) etc.**, the recovery is not permissible. He has further placed reliance on the judgment delivered by the Hon'ble High Court of Judicature at Bombay Ordinary Original Civil Jurisdiction in W.P. No. 1010 of 2015 decided on 20.04.2018 in support of his submission.

11. He has further argued that the incentive has been granted to the applicant in view of the G.R. dated 06.08.2002 and on the basis of the said G.R., the earlier pension has been fixed on the basis of last pay drawn by the applicant including the amount of incentive. He has submitted that the act of the respondents reducing his pension by the impugned order is

illegal. Therefore, he prayed to allow the present Original Application and to quash the impugned order.

12. Learned Presenting Officer has submitted that the incentive has been granted to the applicant in view of the provisions of the G.R. dated 06.08.2002, as the applicant was serving in Naxalite affected area. She has submitted that the said incentive has been granted by the Government to the applicant for working in the Naxalite and Tribal area and the same cannot be treated as pay as defined under rule 39 (2)(A) of the Maharashtra Civil Services (Pay) Rules, 1981 and therefore, the same cannot be considered, while calculating the pension. She has submitted that this fact has been clarified by the Government by the Circular dated 17.12.2013 that the pension of the Government employees who retired on 01.01.2006 or thereafter from Naxalite and Tribal area will be entitled to get pension on the basis of the pay admissible to the post hold by them and the incentive given to them cannot be considered while fixing their pension. She has submitted that on the basis of the said G.R., as well as, the Circular dated 18.10.2014 downward revision of pension of the applicant has been made by the Accountant General, Mumbai by the impugned order dated 28.09.2016 and the recovery regarding the excess payment made

to the applicant was directed. She has submitted that the said order has been passed in accordance with the said G.R. and there is no illegality in it and therefore, she supported the impugned order dated 28.09.2016.

13. She has further argued that the issue involved in the present matter has been dealt with by the Hon'ble High Court of Jurisdiction at Bombay Bench at Nagpur in **W.P. No. 1701 of 2015** in case of **The Principal Secretary & Ors. Vs. Ashok Jagannathrao Aknurwar** decided on 21-22.06.2017 and it has been held that the incentive cannot be treated as a special pay and it cannot be considered as pay, while fixing the pension. She has submitted that the said decision is most appropriately applicable in the instant case and therefore, in view of the principles laid down in the said decision, the applicant is entitled to get pension as earlier fixed. She has submitted that the impugned order is in accordance with the said Circular dated 17.12.2013 and therefore, she prayed to reject the present Original Application.

14. I have gone through the documents on record. There is no dispute about the fact that the applicant retired when he was serving in Naxalite and Tribal area on attaining age of

superannuation w.e.f. 31.05.2010. Admittedly, the applicant was getting incentive when he was serving in Naxalite and Tribal area. Admittedly, on his retirement, his pension has been fixed on the basis of last pay drawn by him during the last 10 months of his service. In the said amount, the incentive amount paid to the applicant was included. Admittedly, by the impugned order, the said pension has been revised downward on the basis of Circulars dated 17.12.2013 and 18.10.2014. The decision taken by the Government on 17.12.2013 is relevant. The clarification made by the Government by the said Circular is material. Therefore, I reproduce the relevant portion of the said Circular:-

“

दि. ०१.०१.२००६ रोजी किंवा त्यानंतर
आदिवासी /नक्षलग्रस्त भागातून सेवानिवृत्त
झालेल्या अधिकारी/कर्मचारी यांच्या
निवृत्तीवेतनाची परिगणना करण्याबाबत.

महाराष्ट्र शासन

वित्त विभाग

शासन परिपत्रक क्रमांक : सेनिवे २०१३/प्र.क्र. ४६/सेवा-४

मादाम कामा मार्ग, हुतात्मा राजगुरु चौक,

मंत्रालय, मुंबई ४०० ०३२.

तारीख : १७ डिसेंबर, २०१३.

शासन परिपत्रक

१.....

२. सामान्य प्रशासन विभागाने त्यांच्या दि. ०६.०८.२००२ च्या शासन निर्णयानुसार अनुज्ञेय केलेले लाभ सहाय्या वेतन आयोगानुसार सुधारीत करण्याचा प्रस्ताव शासनाच्या (सामान्य प्रशासन विभाग) विचाराधीन असून त्यावर अद्याप निर्णय झालेला नाही. त्यामुळे आदिवासी व नक्षलग्रस्त भागातून दि. ०१.०१.२००६ रोजी किंवा त्यानंतर सेवानिवृत्त झालेल्या

/होणा-या कर्मचा-यांच्या निवृत्तीवेतनात पूर्वी देण्यात आलेले आर्थिक लाभ विचारात घेउन सुधारणा करता येणार नाही.

३. या संदर्भात शासनाला निर्णय प्रलंबित असल्यामुळे अशा सूचना देण्यात येत आहेत की, आदिवासी व नक्षलग्रस्त भागातून दि. ०१.०१.२००६ रोजी किंवा त्यानंतर सेवानिवृत्त झालेल्या अधिकारी/कर्मचारी यांना निवृत्तीच्या दिनांकास ते ज्या मूळ पदावर कार्यरत आहेत (एकस्तर पदोन्नतीचे पद वगळून), त्या पदाच्या पे-बॅंड मध्ये ते घेत असलेले वेतन + अनुज्ञेय ग्रेड वेतनावर निवृत्तीवेतनाची परिगणना करावी. ज्या कर्मचा-यांना अशा परिगणनेनुसार अनुज्ञेय निवृत्तीवेतनापेक्षा जास्त निवृत्तीवेतन अदा करण्यात अले आहे, त्या निवृत्तीवेतनधारकांकडून जास्त अदा केलेले निवृत्तीवेतन महाराष्ट्र नागरी सेवा (निवृत्तीवेतन) नियम १९८२ मधील नियम १३४(ए) (दि. ३०.०७.२००७ नुसार केलेली सुधारणा) नुसार वसूल करण्याची कार्यवाही या नियमातील परंतुकानुसार करण्यात यावी.

सही/-
स.ह. भोसले
अवर सचिव”

It has been specifically mentioned in the said Circular dated 17.12.2013 that the Government servants who retired on 01.01.2006 or thereafter from Naxalite and Tribal area are entitled to get pension on the basis of pay attached to the post and incentive given to them on the ground that they were serving in the Naxalite and Tribal area cannot be considered while computing the pension. It has been mentioned therein that, if any excess amount paid to employees, the same shall be recovered in view of the provisions of Rule 134 (A) of the Maharashtra Civil Services (Pension) Rules, 1982. The action taken by the respondents in that regard is in accordance with the Circulars dated 17.12.2013 and 18.10.2014. Therefore, in my

opinion, there is no illegality in the impugned order, by which the pension of the applicant has been reduced and the recovery has been directed.

15. I have gone through the decision rendered by the Hon'ble High Court of Judicature at Bombay, Bench at Nagpur in **W.P. No. 1701 of 2015** in case of **The Principal Secretary & Ors. Vs. Ashok Jagannathrao Aknurwar** decided on 21-22.06.2017 relied on by the learned Presenting Officer, wherein it has been observed as follows :-

“5.....

On a reading of the aforesaid relevant rules, it is clear that 'pensionable pay' would mean the average pay earned by a government servant during the last ten months' service. 'Pensionable pay' refers to the 'pay' earned by a government servant. "Pay" is defined in rule 9(36) of the Rules. As per rule 9(36) "pay" would mean the pay which has been sanctioned for a post held by a government servant substantively or in an officiating capacity and/or to which he is entitled, by reason of his position in a cadre. Rule 9(36)(ii) includes "personal pay" and "special pay" in the definition of the word "pay". It is apparent from a reading of rule 9(36) of the Rules that "pay" would mean the pay which has been sanctioned for a post held by a government servant by reason of his position in a cadre. On a reading of the definition of the

word “pay”, it is clear that 'pay' means the pay which is sanctioned for a post and is drawn by an employee. Pay would include “personal pay” and “special pay”. The tribunal, however lost sight of the words “pay which has been sanctioned for a post held by a government servant””.

The Hon'ble High Court has further observed as follows:-

.....On a reading of the government resolution dated 06/08/2002 under which a higher pay scale was granted to the respondent, it appears that higher pay scale is granted to a government servant posted in a naxalite affected area only as an incentive to encourage him to work in the said area. It is apparent from a reading of the government resolution, dated 06/08/2002 that the special incentive is granted to the employee with a view to ensure that he is encouraged for working in the naxalite affected area and hence, as soon as he stops working in the naxalite affected area and is transferred to a non naxalite affected area or a nontribal area, he would be brought on the scale that is sanctioned for the post and not the higher pay scale which he was drawing as a result of his being posted in the naxalite affected area.

The Hon'ble High Court has further observed as follows:-

.....On a reading of the government resolution, it is clear that higher pay scale is provided for a government servant, only for the period during which he works in the naxalite affected areas. That is not a 'pay'

sanctioned for the post that he is holding. The government servant would be entitled to the higher pay scale as an incentive in terms of the government resolution dated 06/08/2002, only from the date of joining the posting in the naxalite affected area and till the date he continues to work in the naxalite affected area. The government servant working on a particular post would stop drawing a higher pay scale as soon as he is transferred out of the naxalite affected area or the tribal area. It is apparent from a reading of the government resolution that the special incentive is sought to be granted to the employees only for the period during which they work in the naxalite affected areas or the tribal areas. On a reading of rule 9(36) of the Rules, it cannot be said that the higher pay scale drawn by the respondent during the last ten months of his service would fall within the definition of the word "pay" and that the higher pay scale is a special pay which was drawn by the respondent. The tribunal did not consider the government resolution dated 06/08/2002 as also the provisions of rule 9(36) of the Rules of 1982 in the right perspective before holding that the higher pay drawn by the respondent was a special pay drawn by him and his pension was liable to be computed on the basis of the last pay drawn by him in the scale of Rs.15,600-39,100, with grade pay of Rs.5,400/. While allowing the original application filed by the respondent, the tribunal failed to notice the provisions of rule 9(36)(i) of the Rules which makes a reference to the pay which has been sanctioned for a post. The tribunal gave undue

weightage to the department's circulars dated 19/01/2007 and 24/07/2008 while deciding the issue in favour of the respondent, without considering the import of the government resolution dated 06/08/2002 and the provisions of rule 9(36) of the Rules of 1982. Since there was some confusion about the correct position of law in this regard, it appears that the State Government, by resolution dated 17/12/2013, clarified the position. As per the government resolution, it was not permissible to compute the pension on the basis of the higher pay scale received by a government servant for working in the naxalite affected areas or the tribal areas. We do not find that the government resolution dated 17/12/2013 is in any way, violative of the provisions of rule 9(36) or rule 60(1) of the Maharashtra Civil Services (Pension) Rules as held by the tribunal. The government resolution dated 17/12/2013 is in consonance with the provisions of rule 9(36)(i) of the Rules of 1982.

6. There is one more aspect of the matter which needs to be considered. If we accept the submission made on behalf of the respondent in regard to the computation of the pensionary benefits on the basis of the pay drawn by him during the last ten months of his service, grave injustice would be caused to the employees that were holding the same post of accounts officer but were not posted in the naxalite affected areas or the tribal areas during the last ten months of their service. If the submission made on behalf of the respondent is accepted, there would be a mad rush for

seeking a transfer to a place located in the naxalite affected areas or the tribal areas during the last year of service of the employees. In a given case a person may have worked for a period of nearly ten years in a naxalite affected area or a tribal area till the penultimate year of his service and during the last year if he is transferred in a non-naxalite affected area or a nontribal area, the pension drawn by such an employee would be computed on the basis of the lesser pay drawn by him, whereas a person who may have enjoyed his postings during his entire services in a non-naxalite affected area or a nontribal area would be entitled to a much higher pension merely because he is posted in the naxalite affected area or the tribal area during the last year of his service. There is a great difference in the pay scale drawn by a government servant working in a non-naxalite affected area and the naxalite affected area, for the same post. For example, in the present case, an accounts officer working in a non-naxalite affected area would receive pay in the scale of Rs.9,300-34,800 with grade pay of Rs.4,400/, whereas an accounts officer working in a naxalite affected area would receive the pay in the scale of Rs.15,600-39,100 with grade pay of Rs.5,400/. There is a vast difference between the pay drawn by an employee working in the naxalite affected area and the non-naxalite affected area. On a reading of the provisions of rules 60(1) and 9(36) of the Rules and the government resolution dated 06/08/2002, it is clear that the intention of the government was not to grant considerably higher pension to a government servant,

who has worked in the tribal area or the naxalite affected area in the last year of his service, vis-à-vis a government servant, who has worked in a non-naxalite affected area during the last year of his service. There would be a great difference in the monthly pension drawn by a government servant holding the same post in non-naxalite affected area and the naxalite affected area during the last year of his service. The State Government did not intend to do so. It would also be necessary to consider that a government servant posted at a distance of barely five or ten kilometers from a naxalite affected area during most part of his service including the last year of his service would draw a much lower pension as compared to the government servant who is posted barely five or ten kilometers away from him in a naxalite affected area, if the submission made on behalf of the respondent is accepted.

The Hon'ble High Court has further observed as follows:-

6.....In the instant case, the petitioners have not granted a higher pay scale to the government servants as a 'special pay' but have granted it as an incentive only for the period during which they work in the naxalite affected areas or the tribal areas. The government resolution dated 17/12/2013 clearly provides that the government servants retiring after the coming into force of the sixth pay commission recommendations on 01/01/2006 would be entitled to receive the pension by considering the last pay sanctioned for the post and not on the basis of the

higher pay scale drawn in pursuance of the government resolution dated 06/08/2002.”

The principles laid down in the above cited decision are most appropriately applicable in the instant case. The facts in that case and the facts in the present case are also similar and identical. The present case is squarely covered by the principles laid down in the above cited decision. Therefore, considering the principles laid down in that case, in my opinion, there is no illegality in the impugned order and therefore, no interference is called for in it.

16. As regards recovery directed against the applicant by the impugned order is concerned, it is material to note that the applicant was serving as Class-II (Group-B) officer when he retired. He was getting incentive, when he was holding the post of Group-B officer. Therefore, the principles laid down by the Hon'ble Apex in case of **Civil Appeal No.11527/2014 arising out of SLP (C) No.11684 of 2012 & ors.** in case of **State of Punjab and others etc. V/s. Rafiq Masih (White Washer) etc.** are not attracted in the instant case. Therefore, on that count also, no interference is called for in the impugned order directing the recovery of the excess payment made to the applicant on account of wrong fixation of pension. Therefore, I do not find

substance in the submissions advanced by the learned Advocate for the applicant in that regard.

17. In view of the above said discussions, in my opinion, the impugned order is legal and in accordance with the provisions of Circulars dated 17.12.2013 and 18.10.2014. Considering the said facts, in my view, there is no illegality in the impugned order and therefore, no interference is called for in it. There is no merit in the O.A. Consequently, the O.A. deserves to be dismissed.

18. In view of discussions in foregoing paragraphs, the O.A. stands dismissed with no order as to costs.

PLACE : AURANGABAD.
DATE : 06.09.2018.

(B.P. PATIL)
MEMBER (J)