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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.902/2002 &
MA No.715/2002

New Delhi, this the 3rd day of April, 2002

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR. S.A.T.RIZVI, MEMBER (A)

1. Statistical & Scientific Employees Association, (CWC) Recognised by Govt.of India, Ministry of Water Resources Sewa Bhavan, R.K.Puram, New Delhi-110066.
2. Shri B.S.Madnavat,
Extra Assistant Director (H.M.)
Upper Division CWC
Kalindi Bhawan, Kwatwaria Serai
New Delhi. ... Applicants

(By Advocate Shri K.L.Bhandula)

V. E R S U S

1. Union of India through
Secretary to the Govt.of India
Ministry of Water Resources
Shram Shakti Bhavan
New Delhi-110001.
2. The Chairman
Central Water Commission
Sewa Bhavan
R.K.Puram
New Delhi -110066. ... Respondents

ORDER (ORAL)

S.A.T.RIZVI:-

MA No.715/2002 for joining together in a single OA is granted.

2. The applicants who are holding the posts of Professional Assistant (HM), Sr.Professional Assistant (HM) and Extra Assistant Director (HM) in the hydrometeorological cadre of the Central Water Commission (CWC) were aggrieved by an anomaly in the revised scale

of pay granted to them vis-a-vis their counterparts in the India Meteorological Department (IMD). They made representations in the matter and also came up before this Tribunal in OA No.817/2000 which was disposed of on 13.12.2000 with a direction to the respondents to consider the representations made by the applicants. In pursuance of the aforesaid order, the respondents had passed orders dated 3.4.2001 (Annexure.I) rejecting the claim of the applicants. The present OA has been filed on being aggrieved by the decision contained in the aforesaid order of 3.4.2001.

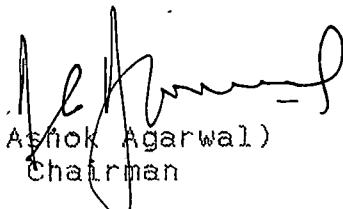
3. We have heard the learned counsel and have carefully perused the impugned order dated 3.4.2001. We find the same to be a reasoned and speaking order. The grounds taken in the aforesaid order in terms of qualifications and duties and responsibilities are, in our judgement, legitimate grounds which can be validly taken in deciding ~~the~~ matters concerning grant of pay scales. To be precise, the respondents have in the aforesaid order made it clear that since the middle level post of Senior Professional Assistant (HM) does not carry the higher qualification of Post Graduate degree as recommended by the Fifth Central Pay Commission, the revised pay scale given to that post cannot be further upgraded. For this very reason, the pay grade of the post of Professional Assistant (HM) which is lower in hierarchy, cannot be upgraded. Again for that very reason, the pay grade of the post of Extra Assistant

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Director (HM) which is a post next higher to the post of Senior Professional Assistant (HM) cannot also be upgraded. After all, the Government have to take into account not only the recommendations of expert committees such as the Pay Commission but ^{are} also required to keep in view the horizontal and vertical relativities in the same and equivalent organisations. Decision taken based on considerations of horizontal and vertical relativities cannot be gone into by this Tribunal as such decisions are to be taken by the Government on the basis of the recommendations made by expert committees and commissions. This is what the respondents have done before passing the impugned order dated 3.4.2001. We find no justifiable ground to interfere with the same.

4. In view of the aforesaid discussion, the OA is dismissed in limine.


(S.A.T. RIZVI)
Member (A)


(Ashok Agarwal)
Chairman

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