

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
New Delhi: this the 17th day of December, 2002.

O.A. No. 217 of 2002

HON'BLE MRS. LAKSHMI SWAMINATHAN, VICE CHAIRMAN

HON'BLE MR. S.K. MALHOTRA, MEMBER (A)

- 1 R.N. Singh
HSG/BCR
Divisional Office Air Mail Sorting Division.
New Delhi-110 021
- 2 B Mukharjee
Divisional Accountant
Divisional Office Air Mail Sorting Division.
New Delhi-110 021
- 3 Bishan Singh-I
HSG/BCR
Divisional Office Air Mail Sorting Division.
New Delhi-110 021
- 4 B D Dhondiyal
LSG/TBOP
Divisional Office Air Mail Sorting Division.
New Delhi-110 021
- 5 Smt. J K Pawar
LSG/TBOP
Divisional Office Air Mail Sorting Division.
New Delhi-110 021
- 6 Joginder Singh-II
LSG/TBOP
Divisional Office Air Mail Sorting Division.
New Delhi-110 021

[Handwritten signature]

(2)

10A

- 7 Jeet Singh
HSG/BCR
Divisional Office Air Mail Sorting Division.
New Delhi-110 021
- 8 Mahanarain Singh
LSG/TBOP
Divisional Office Air Mail Sorting Division.
New Delhi-110 021
- 9 Jawahar Lal Gupta
HSG/BCR
Divisional Office Air Mail Sorting Division.
New Delhi-110 021
- 10 Raj Kumar-I
HSG/BCR
Divisional Office Air Mail Sorting Division.
New Delhi-110 021
- 11 P.S. Bisht
HSG/BCR
Divisional Office Air Mail Sorting Division.
New Delhi-110 021
- 12 Madan Singh
HSG/BCR
Divisional Office Air Mail Sorting Division.
New Delhi-110 021
- 13 Krishan Lal-III
HSG/BCR
Divisional Office Air Mail Sorting Division.
New Delhi-110 021
- 14 B.D. Sharma
LSG/TBOP
Netaji Nagar Sorting Office
New Delhi-110 023

12

(3)

- 15 Smt. Shanti Kaushik
LSG/TBOP
HRO A.M. A/C
New Delhi-110 021
- 16 Srinivas
HSG/BCR
HRO Air Mail Sorting Division.
New Delhi-110 021
- 17 Chander Gurmukhani
LSG/TBOP
HRO Air Mail Sorting Division.
New Delhi-110 021
- 18 R P Haritash
LSG/TBOP
HRO Air Mail Sorting Division.
New Delhi-110 021
- 19 Hari Singh-I
HSG/BCR
HRO Air Mail Sorting Division.
New Delhi-110 021
- 20 Smt. Prema Kujur
LSG/TBOP
HRO Air Mail Sorting Division.
New Delhi-110 021
- 21 Virender Kumar
LSG/TBOP
HRO Air Mail Sorting Division.
New Delhi-110 021
- 22 Ranbir Singh
HSG/BCR
HRO Air Mail Sorting Division.
New Delhi-110 021

18/3

- 23 Amar Pal
LSG/TBOP
HRO Air Mail Sorting Division.
New Delhi-110 021
- 24 Smt. Sarita Thapliyal
Sorting Asstt.
HRO Air Mail Sorting Division.
New Delhi-110 021
- 25 Panna Lal
LSG/TBOP
HRO Air Mail Sorting Division.
New Delhi-110 021
- 26 Balwant Singh
Sorting Asstt.
HRO Air Mail Sorting Division.
New Delhi-110 021
- 27 Asha Rani Thawani
Sorting Asstt.
HRO Air Mail Sorting Division.
New Delhi-110 021
- 28 Ashok Kumar-I
LSG/TBOP
HRO Air Mail Sorting Division.
New Delhi-110 021
- 29 Pushpa Jugran
Accountant
HRO Air Mail Sorting Division.
New Delhi-110 021
- 30 Kashi Ram
HSG/(BCR)
HRO Air Mail Sorting Division.
New Delhi-110 021



(5)

- 31 Parvinder Kumar
LSG/TBOP
HRO(R) Vasant Lok
New Delhi-110 057
- 32 Bijender Pal
LSG/TBOP
HRO(R) Vasant Lok
New Delhi-110 057
- 33 A N Lautan
LSG/TBOP
HRO(R) Vasant Lok
New Delhi-110 057
- 34 B N Vishwakarma
HSG/BCR
HRO(R) Vasant Lok
New Delhi-110 057
- 35 Kanwal Singh
HSG/BCR
HRO(R) Vasant Lok
New Delhi-110 057
- 36 A K Verma
HSG/BCR
HRO(R) Vasant Lok
New Delhi-110 057
- 37 L C Sirowa
LSG/TBOP
HRO(R) Vasant Lok
New Delhi-110 057
- 38 Jagan Nath-I
HSG/BCR
HRO(R) Vasant Lok
New Delhi-110 057



(6)

- 39 Arati Dutta
LSG/TBOP
D.I.M.C.
New Delhi-110 057
- 40 Nirmal Singh
LSG/TBOP
D.I.M.C.
New Delhi-110 057
- 41 Shankar Singh
HSG/BCR
D.I.M.C.
New Delhi-110 057
- 42 Narain Singh
HSG/BCR
D.I.M.C.
New Delhi-110 057
- 43 Karan Singh-II
LSG/TBOP
D.I.M.C.
New Delhi-110 057
- 44 Jasbir Singh
Sorting Asstt.
D.I.M.C.
New Delhi-110 057
- 45 Mool Chander-III
LSG/TBOP
D.I.M.C.
New Delhi-110 057
- 46 Sudha Mahar
LSG/TBOP
D.I.M.C.
New Delhi-110 057

P.S.

(7)

- 47 Ram Chander-II
LSG/TBOP
D.I.M.C.
New Delhi-110 057
- 48 Daya Nand-I
HSG/BCR
D.I.M.C.
New Delhi-110 057
- 49 Ramesh Babu
HSG/BCR
D.I.M.C.
New Delhi-110 057
- 50 Kala Rani
HSG/BCR
D.I.M.C.
New Delhi-110 057
- 51 Y N Singh
LSG/TBOP
D.I.M.C.
New Delhi-110 057
- 52 D D Sejwal
LSG/TBOP
D.I.M.C.
New Delhi-110 057
- 53 Asha Ram
HSG/BCR
D.I.M.C.
New Delhi-110 057
- 54 Mahender Singh-II
LSG/TBOP
D.I.M.C.
New Delhi-110 057
- 55 Nafe Singh Dagar
LSG/TBOP

93/

(8)

D.I.M.C.
New Delhi-110 057

- 56 Suresh Chander
LSG/TBOP
D.I.M.C.
New Delhi-110 057
- 57 Nirmal Kr. Singh
HSG/BCR
D.I.M.C.
New Delhi-110 057
- 58 M D Tiwari
HSG/BCR
D.I.M.C.
New Delhi-110 057
- 59 Manohar Lal
HSG/BCR
D.I.M.C.
New Delhi-110 057
- 60 Dharam Singh Yadav
LSG/TBOP
D.I.M.C.
New Delhi-110 057
- 61 D P Paliwal
HSG/BCR
D.I.M.C.
New Delhi-110 057
- 62 Baldev Raj
HSG/BCR
S.D. Sorting Office
New Delhi-110 021
- 63 Inder Dev Pd.
HSG/BCR
S.D. Sorting Office
New Delhi-110 021

VSI

(9)

- 64 Suraj Pal
LSG/TBOP
S.D. Sorting Office
New Delhi-110 021
- 65 B D Lakhan Pal
LSG/TBOP
S.D. Sorting Office
New Delhi-110 021
- 66 P Nair
LSG/TBOP
S.D. Sorting Office
New Delhi-110 021
- 67 Dhan Singh-I
HSG/BCR
S.D. Sorting Office
New Delhi-110 021
- 68 M L Dhir
HSG/BCR
MMC-III Malvia Nagar
New Delhi-110 017
- 69 Gian Chand
HSG/BCR
MMC-III Malvia Nagar
New Delhi-110 017
- 70 Dharam Dass
HSG/BCR
MMC-III Malvia Nagar
New Delhi-110 017
- 71 Puran Singh
HSG/BCR
MMC-III Malvia Nagar
New Delhi-110 017

(10)

72 A K Garg
LSG/TBOP
MMC-III Malvia Nagar
New Delhi-110 017

73 Satpal-II
LSG/TBOP
IGNOU
New Delhi

74 Niranjan Lal Sharma
HSG/BCR
D.B.O. Mehrauli
New Delhi-110 030

75 Baldev Ram
HSG/BCR
D.B.O. Mehrauli
New Delhi-110 030

76 Rama Nand
LSG/TBOP
Palam TMO
New Delhi-110 037

77 Kuldeep Thakur
LSG/TBOP
Palam TMO
New Delhi-110 037

78 Lila Nand
LSG/TBOP
Palam TMO
New Delhi-110 037

79 Mitter Sain
HSG/BCR
Palam TMO
New Delhi-110 037

80 Sarwan Kumar
LSG/TBOP

✓

(11)

- Palam TMO
New Delhi-110 037
- 81 Ram Pyare
LSG/TBOP
Palam TMO
New Delhi-110 037
- 82 Vinod Kumar-II
Sorting Asstt.
Palam TMO
New Delhi-110 037
- 83 Sarbachan Singh
HSG/BCR
Palam TMO
New Delhi-110 037
- 84 Kesho Dutt
LSG/TBOP
Palam TMO
New Delhi-110 037
- 85 Jhuna Shah
LSG/TBOP
Palam TMO
New Delhi-110 037
- 86 R K Sharma
HSG/BCR
Palam TMO
New Delhi-110 037
- 87 M P Singh
LSG/TBOP
Palam TMO
New Delhi-110 037
- 88 Ramesh Kumar
LSG/TBOP
Palam TMO
New Delhi-110 037
- 89 Srinarayan meena

B-

(12)

LSG/TBOP
Palam TMO
New Delhi-110 037

- 90 Hariom Sharma
LSG/TBOP
Palam TMO
New Delhi-110 037
- 91 Satish Kumar-II
LSG/TBOP
Palam TMO
New Delhi-110 037
- 92 Gobind Lal
HSG/BCR
Palam TMO
New Delhi-110 037
- 93 N P Verma
LSG/TBOP
Palam TMO
New Delhi-110 037
- 94 Mam Chand
LSG/TBOP
Palam TMO
New Delhi-110 037
- 95 Roop Chand
LSG/TBOP
Palam TMO
New Delhi-110 037
- 96 Lal Chand-VI
LSG/TBOP
Palam TMO
New Delhi-110 037
- 97 Din Dayal Sharma
HSG/BCR
Palam TMO
New Delhi-110 037

1/2

(13)

- 98 Chattar Singh-III
LSG/TBOP
Palam TMO
New Delhi-110 037
- 99 C Natrajan
LSG/TBOP
Palam TMO
New Delhi-110 037
- 100 Amar Chand Bhatia
HSG/BCR
Palam TMO
New Delhi-110 037
- 101 Ram Kishan-II
LSG/TBOP
Palam TMO
New Delhi-110 037
- 102 R.B.S. Yadav
LSG/TBOP
Palam TMO
New Delhi-110 037
- 103 M.M. Mishra
HSG/BCR
Palam TMO
New Delhi-110 037
- 104 Giani Ram
HSG/BCR
IGI TMO
New Delhi-110 037
- 105 Attar Singh-III
LSG/TBOP
IGI TMO
New Delhi-110 037
- 106 V K Gupta
LSG/TBOP



(14)

Palam TMO
New Delhi-110 037

- 107 Bal Krishan Sharma-I
HSG/BCR
Palam TMO
New Delhi-110 037
- 108 Daya Chand
LSG/TBOP
IGI TMO
New Delhi-110 037
- 109 S.S. Chauhan
LSG/TBOP
IGI TMO
New Delhi-110 037
- 110 V S Chauhan
LSG/TBOP
SPC Mkt. Rd.
New Delhi-110 001
- 111 R M Gupta
LSG/TBOP
New Delhi Sorting Division.
New Delhi-110 001
- 112 Rati Ram Gupta
LSG/TBOP PA
Ramesh Nagar H.O.
New Delhi-110 015
- 113 J.P.Pritwani
LSG/TBOP PA
CPMG Office
New Delhi-110 001
- 114 Manjesh Kumar
LSG/TBOP PA
CPMG Office
New Delhi-110 001
- 115 K L Vashistha

VZ

(15)

LSG/TBOP PA
CPMG Office
New Delhi-110 001

- 116 Satish Chander Rustogi
LSG/TBOP/SA
Delhi Sorting Division.
Delhi-110 006
- 117 Bal Krishan Sharma
HSG/BCR
SPC MKT. Road
New Delhi-110 001
- 118 Manohar Lal
HSG/BCR
New Delhi Sorting Division.
New Delhi-110 001
- 119 Vikram Kumar Bedi
LSG/TBOP
New Delhi Sorting Division.
New Delhi-110 001
- 120 Harjeet Singh
LSG/TBOP
CRC
New Delhi-110 001
- 121 Uma Krishnan
P.A.
CRC
New Delhi-110 001
- 122 Ravinder Singh
P.A.
Parliament Street
H.O.
- 123 P K Gupta
LSG/TBOP
New Delhi Sorting Division.
New Delhi-110 001

1/2

(16)

- 124 Sadhu Ram
LSG/TBOP
SPC Mkt. Rd.
New Delhi-110 001
- 125 Bal Kishan
LSG/TBOP
SPC Mkt. Rd.
New Delhi-110 001
- 126 Duli Chand-I
LSG/TBOP
New Delhi PSO
New Delhi
- 127 Sri Chand
LSG/TBOP
New Delhi PSO
New Delhi
- 128 Birbal-II
LSG/TBOP
New Delhi Sorting Division.
New Delhi-110 001
- 129 Chander Parkash
Sorting Asstt.
Air Mail Sorting Division.
New Delhi-110 001
- 130 Mohinder Singh-II
HSG/BCR
SPC Mkt. Road.
New Delhi-110 001
- 131 Usha Goel
PA
Pl. Street H.O.
New Delhi-110 001

28

(17)

- 132 S.N. Uniyal
HSG/BCR
S.J.Sorting Office
New Delhi-110 003
- 133 Omparkash-II
HSG/BCR
S.J.Sorting Office
New Delhi-110 003
- 134 Satya Prakash-I
HSG/BCR
S.J.Sorting Office
New Delhi-110 003
- 135 Mohan Lal-IV
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 136 Labh Singh
HSG/BCR
S.J.Sorting Office
New Delhi-110 003
- 137 JAGAN NATH-II
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 138 Chander Kishor
HSG/BCR
S.J.Sorting Office
New Delhi-110 003
- 139 Dhir Singh
HSG/BCR
S.J.Sorting Office
New Delhi-110 003
- 140 A K Sushil
HSG/BCR

S.J.Sorting Office
New Delhi-110 003

- 141 Bishan Singh-II
HSG/BCR
S.J.Sorting Office
New Delhi-110 003
- 142 Khoob Chand
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 143 Jagdish Prasad-II
HSG/BCR
S.J.Sorting Office
New Delhi-110 003
- 144 K S Negi
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 145 H S Kushwah
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 146 R K Santoshi
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 147 Harbans Lal
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 148 Ram Chander Sharma
HSG/BCR
S.J.Sorting Office
New Delhi-110 003
- 149 Nandu Dass

VS

HSG/BCR
S.J.Sorting Office
New Delhi-110 003

150 Krishan Pal singh
HSG/BCR
S.J.Sorting Office
New Delhi-110 003

151 Hari Singh-III
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003

152 B L Mittal
HSG/BCR
S.J.Sorting Office
New Delhi-110 003

153 Raj Kumar-II
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003

154 Amar nath
HSG/BCR
S.J.Sorting Office
New Delhi-110 003

155 Ashok Kr. Pandey
Sorting Asstt.
S.J.Sorting Office
New Delhi-110 003

156 Jagdish Singh
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003

157 Rampal Singh
HSG/BCR
S.J.Sorting Office
New Delhi-110 003

[Handwritten signature]

[Faint circular stamp]

(20)

- 158 Ajeet Kumar
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 159 T P Tiwari
HSG/BCR
S.J.Sorting Office
New Delhi-110 003
- 160 Ram Achal
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 161 K K Sharma
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 162 S C Parashar
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 163 H K Saini
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 164 D P Bhardwaj
HSG/BCR
S.J.Sorting Office
New Delhi-110 003
- 165 S N Kaushik
HSG/BCR
S.J.Sorting Office
New Delhi-110 003
- 166 Brijesh Kumar-I
Sorting Asstt.



(21)

S.J.Sorting Office
New Delhi-110 003

- 167 Daya Ram-II
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 168 Radha Charan Sharma
HSG/BCR
S.J.Sorting Office
New Delhi-110 003
- 169 Suresh Kumar-I
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 170 Munni Lal
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 171 Khushi Ram-II
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 172 Brahm Singh-II
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 173 Kishan Pal
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 174 D B Madan
HSG/BCR
S.J.Sorting Office
New Delhi-110 003
- 175 Chander Mani-II

182

- LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 176 M K Gaur
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 177 Rajinder Kumar-II
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 178 Raja Ram-II
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 179 Mukhtiar Manjhi
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 180 Bashir Ali
HSG/BCR
S.J.Sorting Office
New Delhi-110 003
- 181 P L Sharma
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 182 Prem Narain
HSG/BCR
S.J.Sorting Office
New Delhi-110 003
- 183 Bishamber Dayal
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003

18



(23)

- 184 Ved Parkash-II
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 185 Kapil Dev
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 186 D V Singh
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 187 S V Singh
HSG/BCR
S.J.Sorting Office
New Delhi-110 003
- 188 Umed Singh-I
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 189 Bihari Lal
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 190 Atam Parkash
HSG/BCR
S.J.Sorting Office
New Delhi-110 003
- 191 J K Sharma
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 192 Prem Singh
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003

B

- 193 B S Thakran
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 194 Bindeshwar Prashad Singh
HSG-II/BCR
S.J.Sorting Office
New Delhi-110 003
- 195 Bhim Sain
LSG/TBOP
S.J.Sorting Office
New Delhi-110 003
- 196 Ram Babu Sharma-II
LSG/TBOP
South Delhi Sorting Office
New Delhi-110 021
- 197 Shri Bhagwan Singh
HSG II BCR
HRO Account Air Mail
Sorting Division
Chanakya Puri
New Delhi-110 021
- 198 Shri Y D Sharma
LSG(TBOP)
HRO Account AIR Mail
Sorting Division
Chanakya Puri
New Delhi-110 021

..APPLICANTS

(By Shri M.N.Krishnamani, Ld. Sr. counsel along with Ms.Promila Choudhary and Mr.Yash Anand)

VERSUS

- 1 Union of India
Through the Secretary,
Department of Post
Ministry of Communication
New Delhi-110 001
- 2 Chief Post Master General
Delhi Circle
Meghdoot Bhawan
Link Road
New Delhi-110 001

(By Shri R.P.Agarwal, Advocate)

..RESPONDENTS

O R D E R (ORAL)

By Smt. Lakshmi Swaminathan, Vice-Chairman.

This application has been filed by 198 applicants who are working in various grades i.e. the Lower Selection Grade (LSG)/Time Bound one Time Promotion (TBOP) and Higher Selection Grade-II (HSG)/Biennial Cadre Review (BCR) as seen from the memo of parties. Some of the applicants are also working as Postal Assistants (PAs) and Sorting Assistants (SAs). They have claimed the following main reliefs:

- a) Appropriate directions may be issued to respondents to remove the discrimination meted out to the Applicants herein by granting the applicants the same pay revision which was granted to their counter-parts who are normal promotees at the level of IPO and ASPO i.e. by revising their pay-scale into Rs. 5500-175-9000 at LSG level and Rs. 6500-200-10500/- at HSG level;
- b) Issue appropriate directions to the respondents to grant the Relief (a) above with retrospective effect i.e. from 1.1.96 as given to their counter parts referred to above;
- c) Issue appropriate directions directing the respondent to pay arrears pay payable to the applicants in accordance with Reliefs (a) & (b) above.

2. The brief relevant facts of the case are that according to the applicants they were recruited as PAs and SAs. After completion of satisfactory service of 16 years, the Departmental Promotional Committee (DPC) had promoted them to the higher grade

18/

of LSG under the TBOP Scheme and further, on completion of 26 years of service the incumbents were promoted to the next higher grade, that is, HSG-II under the BCR Scheme. According to the learned senior counsel for the applicants, applicants are performing the same duties and shouldering the same responsibilities as Inspectors of Post Offices (IPOs) and Inspectors of Indian Railway Mail Services (IRMs). Their grievance is that after promotion under the TBOP Scheme and BCR Scheme, they are placed in the pay scale of Rs.4500-7000 and Rs.5000- 8000, respectively, after the Vth Pay Commission's recommendations had been accepted by the respondents. On the other hand, the IPOs/IRMs are placed in the pay scale of Rs. 5500-9000 and Assistant Superintendent of Post Offices(ASPOs) / Assistant Superintendent of Railway Mail Services (ASRMs) are placed in the pay scale of 6500-10500, respectively, Learned Senior counsel has submitted that such an anomaly cannot be allowed to exist.

3. Learned senior counsel has relied on the recommendations of the Dutta Committee which was submitted on 17.12.1998. This Committee had been set up by the respondents to examine the issues arising out of the implementation of the Vth Pay Commission's recommendations. He has submitted that this Committee, after examining all the relevant facts and taking into consideration the submissions made by the employees, that is, the General Secretary, All India Postal Employees' Union Class III, who was included in

82/

38

the Committee as a Member, had recommended the following pay scales for LSG and HSG II grades:

LSG Rs. 5500-8600

HSG-II Rs. 6500-9500

He has also submitted that after the Ist and IInd Pay Commissions' Reports, these posts were in an identical pay scale and after the IIIrd Pay Commission's Report, they were almost in the same pay scales. After the IVth Pay Commission they were again placed in the identical pay scale but after the Vth Pay Commission's Report the disparity had occurred in the pay scales.

4. After submission of the report by the Dutta Committee on 17.12.1998, it is seen from the reply filed by the respondents that the Government of India had constituted a further Internal-Departmental Committee on 21.7.2000 consisting of representatives from the Department of Posts, the Department of Personnel and Training and the Department of Expenditure (Ministry of Finance). The Inter-Departmental Committee considered the recommendations of the earlier Committee, that is the Dutta Committee, which had representatives of the employees' Union regarding the matter of pay scales and submitted its report on 18.11.2000. It is stated that this report did not unanimously support any modification in the existing pay scales.

5. Learned Senior Counsel has also referred

Yz

to the method of promotion under the TBOP Scheme issued by the respondents on 17.12.83 and also the fixation of pay in the next higher pay scale. He has submitted that a DPC had to be held for considering the persons who have completed 16 years of service for promotion to the next higher grade. He has also submitted that as these persons shoulder the same responsibilities, there is no reason why disparity should be maintained in the pay scales of the persons who have been promoted to LSG and HSG grades who are on par with IPSs/ASPOs who have been granted higher pay scales of Rs. 5500-9000/- and Rs. 6500-10500/-, respectively.

6. We have seen the reply filed by the respondents and heard Shri R.P. Agarwal, learned counsel. He has submitted that the PAs/SAs are eligible for promotion as IPOs/IRMs and the claims for parity should, therefore, be between IPOs and LSG who come within the TBOP Scheme. He has also submitted that the issues raised by the applicants in the present OA have not only been considered by the Department but have also been considered by several expert bodies, including experts in the Dutta Committee and the Internal-Departmental Committee which have been set up, who have not found in favour of the applicants' claim for parity in the pay scales.

7. The respondents have submitted, inter alia, that the duties performed by the officials like the applicants promoted under the TBOP/BCR Scheme and

YB

by IPOs/ASPOs are different since the former perform operative duties and the latter perform supervisory duties. In the letter issued by the respondents on 17.12.83 regarding the TBOP Scheme, a reference has been made by the learned Senior Counsel to paragraph 22(iv) in which it has been provided that "the officials who complete 16 years of service and who are promoted to next higher scale of pay will continue to perform operative duties unless they are posted to regular supervisory posts in their turn". No such orders have been shown to us by the applicants that they were promoted to regular supervisory posts. According to the respondents, applicants who have obtained the benefit of financial upgradation under the TBOP Scheme perform the same duties as are performed by the PAs/SAs in the pay scale of Rs. 4000-6000, inspite of being placed in the higher scale of Rs. 4500-7000/5000-8000 after completion of certain specific years of service as provided in the Scheme. Learned counsel for the respondents has, therefore, submitted that in the facts and circumstances of the case, the Tribunal ought not to interfere in the matter or grant the reliefs which have been considered but not granted by the expert bodies mentioned above.

8. The applicants have filed a rejoinder and we have also heard learned Sr. Counsel in reply.

9. We have carefully considered the pleadings and the submissions made by the learned counsel for the parties.

B2

10. Having regard to the above facts and circumstances of the case, we find no merit in this application in the light of the settled position of law as laid down by the Hon'ble Supreme Court in a catena of judgments (see State of UP Vs. J.P. Chaurasia (AIR 1989 SC 19=(1989) 1SCC 121); Supreme Court Employees Welfare Association Vs Union of India (AIR 1990 SC 334); State of Uttar Pradesh & Ors Vs. Ministerial Karamchari Sangh (JT 1997 (8) SC 415); Union of India and Anr. Vs. P.V. Hariharan and Anr. (1997 SCC (L & S) 838). It would be relevant and sufficient to refer to one of the judgments of the Hon'ble Supreme Court in Hariharan's case (supra) which reads as follows:-

"Quite often the Administrative Tribunals are interfere with pay scales without proper reasons and without being conscious of the fact that fixation of pay is not their function. It is the function of the Government which normally acts on the recommendations of a Pay Commission. Change of pay scale of a category has a cascading effect. Several other categories similarly situated, as well as those situated above and below, put forward their claims on the basis of such change. The Tribunal should realise that interfering with the prescribed pay scales is a serious matter. The Pay Commission, which goes into the problem at great depth and happens to have a full picture before it, is the proper authority to decide upon the issue. Unless a clear case of hostile discrimination is made out, there would be no justification for interfering with the fixation of pay scale".

(emphasis added)

11. In the present case it is relevant to note that not only the expert bodies like the earlier Central Pay Commissions had not given parity in the pay scales of PAs/SAs/IPOs and IRMS as claimed by the

73

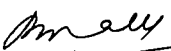
applicants, even the Special Committee set up by the respondents, i.e. Dutta Committee which also had representatives of Employees Union did not do so. The recommendations of Dutta Committee had not considered it fit to grant parity in the pay scale which is agitated by the applicants. Thereafter, a second inter-departmental committee had been set up by the respondents who had again considered the issues raised by the applicants in the OA. They had also not given any such relief, taking into account the relevant facts and issues so as modify the pay scales as recommended by the 5th Pay Commission. Therefore, following the aforesaid judgements of the Hon'ble Supreme Court, we do not consider that this is a fit case, where the applicants have made out any case to justify any interference with regard to grant of pay scales.

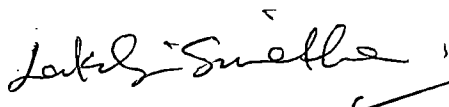
12. A passing reference had also been made by the learned senior counsel that the applicants are aggrieved by the TBOP Scheme which came into force in 1983 vis-a-vis another scheme i.e. the Assured Career Progression (ACP) Scheme which has been introduced by the Govt. of India in all the Departments in August 1999, following the recommendations of the 5th Pay Commission. The applicants have already obtained the benefits under the TBOP Scheme and their comparison with a later Scheme which came into force 16 years later

40

does not assist them. Further, there are also no pleadings on this and we do not, therefore, wish to make any comments on this matter, as this issue has not been directly raised.

13. In the result, for the reasons given above the OA is devoid of merit and is dismissed. No order as to costs.


(S.K. Malhotra)
Member (A)


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

/ug/