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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1037/2002

New Delhi, this 24th day of October, 2002

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri M.P. Singh, Member(A)

1. All India CPWD Non-Gazetted Office Staff Association, through its General Secretary, C Wing IP Bhavan, New Delhi
2. Birender Kumar, Head Clerk, CPWD XII/899, RK Puram, New Delhi
3. Sat Pal, Head Clerk, CPWD 340/2, Garhi Mohalla, Near Gaur School Rohtak (Haryana) .. Applicants
(Shri G.K. Aggarwal, Advocate)

versus

Union of India, through

1. Secretary
Dept. of Personnel & Training
North Block, New Delhi
2. Secretary
National Anomaly Committee
Dept. of Personnel & Training
New Delhi
3. Secretary
Department of Expenditure
Ministry of Finance
North Block, New Delhi
4. Secretary
Ministry of Urban Development & PA
Nirman Bhavan, New Delhi
5. Director General (Works) CPWD
Nirman Bhavan, New Delhi .. Respondents
(Shri D.S. Mehandru, Advocate)

ORDER(oral)

Shri M.P. Singh, Member(A)

By the present OA, applicants seek declaration and order that pay scale of all the Head Clerks in CPWD Offices effective from 1.1.96 shall be revised by treating that post as supervisory post, better than the present scale of Rs.5000-8000, with arrears and interest @ 12% p.a. thereon. According to the applicants, their duties and responsibilities are supervisory in nature and therefore they are entitled to the higher pay scale than the present scale of Rs.5000-8000.

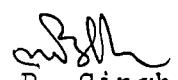
2. While opposing the claim, respondents have stated in their reply that second applicant herein had earlier



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filed OA 1165/2000 seeking identical relief which was disposed of by this Tribunal vide order dated 31.8.2001 with the direction to Respondent No.5 therein to deal with the issues raised in the said OA and pass a reasoned and speaking order after giving a reasonable opportunity to the applicant to put forward his case and give him a personal hearing. He appeared before Respondent No.2 on 19.10.2001 and submitted a written representation. The representation given him alongwith his oral submissions were examined by the nodal Ministry in detail and the decision thereon has been conveyed to him vide order dated 14.12.2001. The respondents have also stated that the matter has been duly re-considered by the nodal ^{anomaly} committee which is a specialised committee for such cases. The seniority of the Head Clerks is combined at the zonal, circle and division levels. There is also inter-transferability of Head Clerks among all these officers. Hence, the Head Clerks cannot be considered as a supervisory category. Therefore, there is no further cause of action for the applicants in the present OA.

3. We have heard the learned counsel for the parties and also carefully perused the order dated 14.12.2001 and we are of the considered opinion that the respondents have passed a detailed, speaking and reasoned order covering all the points raised by the applicant and it does not warrant our interference. In view of this, the present OA has no merit and is accordingly dismissed.


(M.P. Singh)
Member(A)


(V.S. Aggarwal)
Chairman

/gtv/