

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

...

OA No. 2549/2002

New Delhi, this the 20th day of October, 2003

Hon'ble Shri Shanker Raju, Member (J)
Hon'ble Shri R.K. Upadhyaya, Member (A)

In the matter of:

Mrs. P. Rajvanshi,
W/o Shri Rajvanshi,
AG-1/61-A, Vikaspuri,
New Delhi - 110-018.

..Applicant

(By Advocate: Shri Deepak Verma)

Versus

Union of India through

1. Secretary,
Ministry of Social Justice
& Empowerment (SJ&E),
Shastri Bhawan,
New Delhi.
2. The Secretary,
Deptt. of Expenditure,
Ministry of Finance,
North Block,
New Delhi.
3. The Joint Director,
PREM Division,
Ministry of Social Justice
& Empowerment,
West Block, 8 Wing, II Floor,
R.K.Puram, New Delhi.

...Respondents

(By Advocate : Shri R.N. Singh)

ORDER (ORAL)

Order delivered by Shri Shanker Raju, Member (J)

Applicant is a Senior Research Investigator. The Anamoly Committee constituted by the Govt. of India, in its final report, recommended upgradation of replacement scale of Rs. 2000-3500/- to 6500-10500/- keeping in view the entry level qualification of Post Graduation.

2. Applicant, being aggrieved by an inaction of

the respondents to remove anomaly, filed OA 1453/02 wherein directions had been issued to the respondents to pass a reasoned and speaking order.

3. Respondents by an order dated 20.08.2002 rejected the plea of the applicant mainly on the ground that posts of Senior Research Investigator and Senior Investigator cannot be given higher pay scale as those posts are not filled by direct recruitment to the extent of 50%. As neither recruitment rules exist in case of the post of Senior Research Investigator & Senior Investigator nor any minimum qualifications have been assigned, these posts cannot be filled by direct recruitment as prescribed by 5th Central Pay Commission, giving rise to the present O.A.

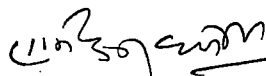
4. During the pendency of this OA, applicant filed an MA 1714/02 bringing on record Office Order dated 4.8.2003 passed by the respondents wherein, on approval of the Ministry of Finance, scales of pay attached to the post of Statistical Assistant as well as Investigator have been upgraded despite there is no limit of 50% of the direct recruitment. In this backdrop, it is stated that once these categories have been denied upgradation in the impugned order despite recommendation of Anomaly Committee, the same treatment cannot be withheld from the applicant as it would amount to hostile discrimination.

5. On the other hand, respondents' counsel Shri R.N. Singh vehemently opposed the contentions and stated

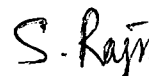
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that in view of the orders passed, the clarification has to be sought from the respondents. Moreover, it is stated that the rejection is not only on the ground of 50% of direct recruitment but is on other factors also for parity of pay scales which not only includes mode of recruitment but other functional requirements including discharge of duties and responsibilities.

6. Having heard both the parties, ends of justice would be met if the present OA is disposed of with a direction to the applicant that in the event a representation is made to the respondents highlighting the orders passed upgrading the pay scale of Investigator vide order dated 4.8.2003, the respondents shall consider the same in accordance with the rules and instructions and having regard to the fact that a bar to upgradation with regard to 50% of the direct recruitment has not come in the way of the aforesaid categories for upgradation, and on examination, a reasoned order shall be passed by the respondents within a period of three months from the date of a copy of this order. If the applicant is still aggrieved, it shall be open for her to approach this Tribunal in accordance with law. No costs.



(R.K. Upadhyaya)
Member (A)



(Shanker Raju)
Member (J)

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