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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1308/2001

New Delhi, this 22nd day of April, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman(J)

Hon'ble Shri M.P. Singh, Member(A)

1. Suresh Chander
2. Jeet Singh
3. Sohanvir
4. Jagdish Chander
5. Rattan Singh
6. Rajinder Kumar
7. Sumer Singh
8. C.M. Joshi
9. Jai Narai Singh
10. Hans Raj
11. Kishan Pal Singh
12. Hari Pal
13. Hari Narain Kalra
14. Madan Lal Mahadan

All employed as Compositor Grade II in
Govt. of India Press, Mayauri, New Delhi .. Applicants

(By Shri D.R. Gupta, Advocate)

versus

Union of India, through

1. Secretary
Ministry of Urban Development &
Poverty Alleviation
Nirman Bhawan, New Delhi
2. Director of Printing
Nirman Bhawan, New Delhi
3. Manager
Govt. of India Press
Ring Road, Mayapuri, New Delhi .. Respondents

(By Shri R.N. Singh, proxy for Shri R.V. Sinha,
Advocate)

ORDER

Shri M.P. Singh, Member(A)

The applicants, 14 in number, are aggrieved by the order dated 30.11.2000 passed by the Respondent No.1 whereby they have been denied the benefit of stepping up of their pay vis-a-vis their juniors.

2. The admitted facts of the case are that as per the then existing Recruitment Rules, the posts of Compositor Grade II and Distributor were to be filled up by 100%

direct recruitment. 30 posts of Compositor Grade II were downgraded as Distributors by the Directorate of Printing in September, 1983 in accordance with the recommendations of the Norms Committee. In the year 1984, 38 persons who were selected for these posts of Compositor Grade II and Distributor, out of which 13 were appointed as Compositor Grade II in the pay scale of Rs.260-400 and the remaining persons were appointed as Distributors in the pay scale of Rs.260-350.

3. In the year 1987, Recruitment Rules were modified/ revised and the post of Distributor became the feeder cadre for the post of Compositor Grade II. When vacancies of Compositor Gr.II arose, the senior most Distributors were promoted to the post of Compositor Gr.II and were given the benefit of FR 22C (now FR 22 I(a)(i) while fixing their pay in the post of Compositor Gr.II. As a result, those promoted as Compositor Grade II from the feeder post of Distributor started drawing more pay than those who had been directly appointed as Compositor Grade II. The revised pay scale of Distributor was Rs.950-1400 while that of Compositor Grade II was Rs.950-15000 with effect from 1.1.1986.

4. The applicants had filed OA No.2871/97 which was disposed of by this Tribunal vide its order dated 16.8.2000 directing the Government to consider the situation and pass a suitable order. In pursuance of this order of the Tribunal, respondents have now passed the order dated 30.11.2000, which is under challenge in the present OA. By this order, the respondents have held that the applicants are not entitled for the stepping up of their pay and have rejected the claim of the

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applicants. Aggrieved by this, the applicants have filed this OA seeking direction to quash and set aside the impugned order dated 30.11.2000. They have also sought direction to step up the pay equivalent to their juniors w.e.f. 25.1.1988.

5. Heard the learned counsel for the rival contesting parties and perused the records.

6. During the course of the arguments, the learned counsel for the applicants has stated that the applicants who were ranked higher in the same panel in 1984, were appointed as Compositor Grade II whereas the persons lower in the merit were appointed as Distributor. The Distributors on their promotion to the post of Compositors Grade II have started drawing higher pay despite the fact that they have all along been junior to the applicants. Even after the promotion of both the Distributors and Compositor Grade II under ACP Scheme, the Distributors continue to draw higher pay than the applicants. The contention of the learned counsel is that in a similar case in OA No.2411/2000 along with OA 699/2001, this Tribunal vide its order dated 30.10.2001 has directed the respondents to constitute a Committee of senior officers to look into the grievances of the applicants and other similarly situated persons who are aggrieved by the implementation of the ACP Scheme. The learned counsel submitted that the applicants in the present OA are also similarly placed and therefore a similar order may be passed to extend the benefit of the aforesaid order of the Tribunal.



7. On the other hand, the learned counsel for the respondents submitted that the applicants are not similarly placed. The aforesaid OA is distinguishable as the issues raised in that OA related to grant of ACP Scheme promotion while in the present OA applicants' prayer is for stepping of their pay. Moreover, the applicants in the present OA have not claimed any relief under the ACP Scheme. Therefore, at this stage this Tribunal can not entertain the plea of the applicants.

8. As per Government of India order (22) below FR 22 relating to removal of anomaly by stepping of pay of senior on promotion drawing less pay than his junior, the stepping up should be done with effect from the date of promotion or appointment of the junior officer and will be subject to the following conditions, namely:-

- (a) Both the junior and senior officers should belong to the same cadre and the posts in which they have been promoted or appointed should be identical and in the same cadre;
- (b) The scales of pay of the lower and higher posts in which they are entitled to draw pay should be identical; and
- (c) The anomaly should be directly as a result of the application of FR 22-C. For example, if even in the lower post the junior officer draws from time to time a higher rate of pay than the senior by virtue of grant of advance increments, the above provisions will not be invoked to step the pay of the senior officer.

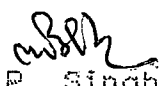
9. In the present case, we find that the applicant have been directly appointed as Compositor Grade II, while their alleged juniors were appointed in the lower feeder cadre of Distributor. These junior persons were promoted from the grade of Distributor to the grade of Compositor Grade II and were given the benefit of FR 22-C [now FR 22 I(a)(i)] and therefore they started drawing higher pay on


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their promotion. Thus in view of para 8(c) above, the applicants in the present OA are not entitled for stepping up of their pay. As regards the contention of the applicants that they are drawing less pay even after getting promotion under the ACP Scheme, it is because of the reason that both the posts of Distributor and Compositor Grade II were brought at par i.e. Rs.950-1500 w.e.f. 30.10.89 based on the report of the Inter Deptt. Committee vide Ministry of Urban Development letter dated 30.8.1990.

10. We further find that since the applicants and similarly placed individuals were directly given ACP Scheme benefit, they happened to draw less pay than the Distributors who initially got promotion to Compositor Gr.II and later when the scales of both these posts became identical, they were given ACP 1st upgradation in the scale of Rs.4000-6000 ignoring their earlier promotion, as per clarification given by the DoP&T. We further note that the respondents have passed a reasoned and speaking order in pursuance of the Tribunal's direction given in OA 2871/97 and this order does not suffer from any infirmity.

11. In the result, for the reasons recorded above, we find no merit in the present OA and the same is accordingly dismissed. No costs.


(M.P. Singh)
Member(A)


(Smt. Lakshmi Swaminathan)
Vice-Chairman(J)

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