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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1549/2001

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. Mohd. Aslam
2. Ms. Poonam Sinha
3. A.K. Debnath
All working as Data Entry Operator Gr.B
in LBS National Academy of Admn.
Mussoorie

.. Applicants

(Dr. D.C. Vohra, Advocate)

versus

Union of India, through

1. Secretary
Deptt. of Personnel & Training
North Block, New Delhi
2. Director
LBS National Academy of Admn.
Chareleville, Mussoorie
3. Secretary
Department of Expenditure
Ministry of Finance
North Block, New Delhi

.. Respondents

(Shri Neeraj Goyal, proxy for Shri Adish C.
Aggarwal, Advocate)

ORDER(oral)

Shri M.P. Singh, Member(A)

By the present OA, applicants three in number and working as Data Entry Operators Gr.B (DEO Gr.B) in the pay scale of Rs.4500-7000, seek directions to the respondents to grant them the scale of Rs.5000-8000 with effect from 1.1.96. According to the applicants, while accepting the recommendations of the 5th Pay Commission (5th PC), Government of India on 30.9.97 have notified the pay scale of DEO Gr.A as Rs.4000-6000 and DEO Gr.C as Rs.5000-8000 and omitted the pay scale for DEO Gr.B. It means that DEO Gr.B stood merged with DEO Gr.C and therefore they are entitled to the scale of Rs.1400-2300, now revised to Rs.5000-8000.

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2. Needless to state that respondents have denied the aforesaid contentions. They have stated that the recommendations of para 55.71 of the report have been accepted by the Government of India and the upgraded scale of pay applicable for the posts of DEO Gr.A, Gr.C and Gr.D have also been notified vide item No.XXVI of Part B of the First Schedule of the CCS(Revised Pay) Rules, 1997 vide notification dated 30.9.97. However, in view of the fact that the pre-revised scales of pay Rs.1350-2200 (which was the pre-revised scale of the applicants) and Rs.1400-2300 had been merged by the 5th Pay Commission in a single replacement scale of Rs.4500-7000 as a measure of rationalisation and since this scale had also been duly notified in Part A of the First Schedule of CCS(Revised Pay) Rules, 1997, this was not separately reflected in Part B thereof. Hence question of omission of the post of DEO Gr.B in Part B of the schedule does not arise and that DEO Gr.B has not been merged with that of DEO Gr.C anywhere in the Pay Commission report or recommendation accepted by the Government of India. This position has been clarified by the Ministry of Finance in its letter dated 24.11.98. The applicants have been informed accordingly vide letter dated 28.12.98 and a copy of letter dated 24.11.98 has also been given to the applicants on 11.1.99.

3. We have heard the learned counsel for the parties and perused the records.

4. In para 55.71 of its report, the 5th CPC has recommended the following scales to DEOs:

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<u>Designation</u>	<u>Existing</u>	<u>Recommended</u>
Data Entry Operator Gr.A	1150-1500	1320-2040
Data Entry Operator Gr.B/ Console Operator	1350-2200	1400-2300
Data Entry Operator Gr.C	1400-2300	1600-2660
Data Entry Operator Gr.D/ Junior Console Operator/ Data Processing Assistant A/ Scientific Assistant A	2000-3200	2000-3500

After accepting the above recommendations, respondents have issued notification on 30.9.1997. Para XXV, Part A to First Schedule of the said notification reads as under:

- | | |
|---|---------------|
| (a) Data Entry Operator Gr.A | 4000-100-6000 |
| (b) Data Entry Operator Gr.C | 5000-150-8000 |
| (c) Data Entry Operator Gr.D/
Junior Console Operator/
Data Processing Assistant A/
Scientific Assistant A | 5500-175-9000 |

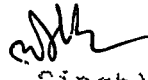
Respondents have not notified the revised pay scale of DEO Gr.B. The **contention** of the applicant^s is that since the post of DEO Gr.B does not figure in the notification, respondents have merged the post of DEO Gr.B with DEO Gr.C and therefore they are entitled to the pay scale of Rs.5000-8000 in terms of the aforesaid notification.


5. We find from the letter dated 24.1.1998, R-3 has stated as under:

"These recommendations have been accepted by the Government and the upgraded scales of pay applicable for the posts of DEO Grades A, C and D have also been notified vide item No.XXVI of Part 'B' of the First Schedule to the CCS (RP) Rules, 1997. In view, however, of the fact that the pre-revised scales of pay of Rs.1350-2200 and Rs.1400-2300 had been merged by the 5th CPC in a single replacement

scale (Rs.4500-125-7000) as a measure of rationalisation and that this scale had been duly notified in Part 'A' of the First Schedule of CCS (RP) Rules, 1997, this was not separately reflected in Part 'B' thereof. It is accordingly clarified that the revised scale of pay applicable for the post of Data Entry Operator Grade 'B' which was in the pre revised scale of Rs.1350-2200 in the LBSNAA is Rs.4500-125-7000."

6. However from the papers available before us, it is not clear as to any decision has been taken by the respondents with regard to revised pay scale of DEO Gr.B, as the same does not figure in the aforesaid notification dated 30.9.97. In view of this position, the present OA is disposed of with the direction to respondents to consider and take a decision at appropriate level and notify the revised pay scale for the post of DEO Gr.B in the gazette notification, as has been done in the case of DEOs Gr.A, C and D, as expeditiously as possible and in any event within four months from the date of receipt of a copy of this order.


(M.P. Singh)
Member(A)


(V.S. Aggarwal)
Chairman

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