

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 234/2001
T.A. No.

195

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DATE OF DECISION 1.11.2001.

Jai Prakash and Ors.

....Petitioner

Shri S. S. Tiwari

....Advocate for the
Petitioner(s)

VERSUS

UOI & Ors

....Respondent

Shri N. S. Mehta, 1d. senior counsel....Advocate for the
with Shri Madhav Panikar Respondents.

CORAM

The Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
The Hon'ble Shri Govindan S. Tampli, Member (A)

1. To be referred to the Reporter or not Yes
2. Whether it needs to be circulated to other
Benches of the Tribunal? No

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA NO 234/2001

(11)

New Delhi this the 1st day of November, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri Govindan S. Tampi, Member (A)

1. Sh. Jai Prakash,
S/o Shri Amla Nand Dhyani,
R/o Type-II/27, President's Estate,
New Delhi.
And working as Senior Telephone Attendant
in Rashtrapati Bhawan, New Delhi.

2. Sh. D.S. Dogra,
S/o N.R. Dogra,
R/o 1 B, Block-71, Haylock Square,
New Delhi and working as Telephone
Attendant in Rashtrapati Bhawan,
New Delhi.

...Applicants

(By Advocate Shri S.S. Tiwari)

VERSUS

1. Union of India, through
Secretary to the President,
President's Secretariat,
Rashtrapati Bhawan, New Delhi

2. Under Secretary (Estt.),
President's Secretariat,
Rashtrapati Bhawan, New Delhi.

...Respondents

(By Advocate Shri N.S. Mehta, senior counsel
with Shri Madhav Panikar)

O R D E R (ORAL)

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

This application has been filed by two applicants
claiming for a direction to the respondents to consider them
for grant of higher pay scale i.e. for applicant No.1 in the
pay scale of Rs.4500-7000 as Senior Telephone Attendant (STA)
and applicant No.2 in the pay scale of Rs.4000-6000 as
Telephone Attendant (T.A) at par with certain other
categories of persons, for example, Sr. Personal Attendants,
Chief Laundryman in the case of applicant No.1 and Head
Laundryman / Head Safaiwala Jamadar in the case of applicant
No.2

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(12)

2. We have heard Shri S.S.Tiwari, learned counsel for the applicants and Shri N.S.Mehta, learned senior counsel for the respondents and perused the documents on record.

3. The applicants have filed MA 215/2001, praying for permission to file a joint application. That application is not opposed. Learned counsel for the applicants has submitted that from the relevant facts it is clear that the issue involved in this case is with regard to revision of the pay scales of the applicants who are working in the Household Section of the President's Secretariat and their grievances are the same. Noting the above submissions of the learned counsel for the parties, MA 215/2001 is allowed.

4. The main contention of the learned counsel for the applicants is that prior to the order issued by the respondents dated 17.2.1999, the applicants were placed in the same pay scale, namely, Rs.1200-1800 in the case of applicant No.1, as for example, Sr.Personal Attendants and Chief Laundryman. Similarly, in the case of applicant 2 who is a T.A. he was placed in the same pay scale of Rs.950-1500, as for example, a Sr.Cook, Head Laundryman and Head Safaiwala Jamadar. Their grievance is that after February, 1999, following the recommendations of the Anomalies Committee set up by the respondents in respect of grievances raised by other persons, excluding applicants who are in the category of Technical Staff, they were given the higher pay scales which has been denied to them.

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(B)

5. A preliminary objection has been taken by Shri N.S. Mehta, learned senior counsel for the respondents that the OA is barred by limitation. He has submitted that if the applicants were aggrieved by the Office Order dated 17.2.1999 they cannot make a representation only on 27.7.1999 and thereafter file the OA on 29.1.2001, as it is beyond the period of limitation prescribed under Section 21(3) of the Administrative Tribunals Act, 1985. This has been disputed by Shri S.S. Tiwari, learned counsel who has submitted that the applicants were not aware of the Office Order dated 17.2.1999 prior to July, 1999 when they had made their representations on 27.7.1999. Thereafter, the OA has been filed in about one and a half years and according to him, there is no question of any bar of limitation. In any case, the learned counsel for the applicants has submitted that the respondents have done nothing by way of looking into their representations or grievances of the applicants even after a period of one and a half years till they were forced to file the present OA. He has also relied on the judgement of the Hon'ble Supreme Court in M.R Gupta Vs. UOI (1995(5) Scale 29).

6. On the merits of the case, learned counsel has mentioned that as per the respondents' own classifications T.As have been placed under the category of Technical Staff along with the Chief Drivers, etc. in the President's Secretariat. Therefore, he has contended that TAs. also have to be treated as Technical Staff along with Sr.Cooks, Head Laundryman etc. and there was no reason why the respondents could not have also looked into the applicants

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(A)

grievances given in their representations dated 27.7.1999. He has also contended that this anomaly has occurred by the Office order dated 17.2.1999, till which time there was no anomaly in the pay scales of the concerned staff.

7. On the other hand, Learned Senior Counsel for the respondents has submitted that the respondents had constituted an Anomalies Committee to go into the grievances of various categories of staff who had agitated their grievances. He has submitted that T.As. cannot compare their pay scales with other categories of Household staff and they cannot also be treated equally with regard to the pay scales of Telephone Attendants in other Ministries/Departments. He has also emphasised that the applicants had never represented about their grievance or put forward their matter before the Anomalies Committee which had looked into the grievances in respect of Sr. Personal Attendants, Chief Laundryman, Sr. Cooks, Senior Butlers etc. Relying on the judgement of the Supreme Court in Union of India and Anr. Vs. P.V. Hariharan and Anr. (1997 SCC (L & S) 838) he has submitted that in the matter of fixing pay scales normally the Court/Tribunal should not interfere as it is a matter more fit for the executive and expert bodies like the Pay Commissions to deal with who have the relevant facts.

8. We have carefully considered the rival submissions made by the learned counsel for both the parties.

9. With regard to the preliminary objection regarding limitation, we see force in the submissions made by Shri

JW

(6)

S.S.Tiwari, learned counsel that till the respondents had issued the letter dated 17.2.1999, the applicants did not have any grievance for the respondents to look into their cases. While this may be so, it cannot also be stated that the Telephone Attendants working in the Household Section of the President's Secretariat can compare their pay scales with other categories of staff. However, we note that according to the respondents, the T.As. who are three in number, have been placed in the category of Technical Staff. From the averments made by the respondents in their reply, it also appears that with regard to the pay scales of skilled categories of staff who had represented their grievances, the respondents have indeed constituted an Anomilies Committee and acted thereafter on the recommendations of that Committee with regard to revision of their pay scales. However, this has not been done in the case of the applicants. We, however, find no merit in the submissions made by the learned counsel for the applicants that as one of T.As could also drive, he is to be classified as a skilled category person because that skill apparently is not an eligibility condition for a T.A post which he is holding. Learned counsel for the applicants has submitted at the Bar that they became aware of the order dated 17.2.1999 only in July, 1999, although this has been only stated verbally and not in the pleadings of the OA. We further note that the respondents have stated in their reply that the representation made by the applicants on 27.7.1999 and subsequent representation were rejected as they found no merit in the same. However, no reasons have been given by the competent authority for the

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same. Therefore, taking into account the issues raised in the present application, we do not consider it proper to dismiss the OA only on the ground of limitation as it is necessary for the respondents to look into the grievances of the applicants, vis-a-vis pay scales of other staff who they claim are similar to them. We, however, clarify that we are not expressing any view on the merits of the case with regard to the T.As and other categories of staff of the President's Secretariat or Telephone Attendants in other Ministries/Departments and whether the same conditions prevail or not which will be a matter for the executive i.e. for the respondents to consider either by themselves or through an expert body like an Anomalies Committee to be constituted by them.

(b)

10. In view of what has been stated above, the OA is disposed of with the following directions:-

The respondents shall re-consider the representations submitted by the applicants, including the representation dated 27.7.1999 they have received and pass a reasoned and speaking order, with intimation to the applicants within six months from the date of receipt of a copy of this order. No order as to costs.

(Govindan S.Tampi)
Member (A)
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Lakshmi Swaminathan)
(Smt.Lakshmi Swaminathan)
Vice Chairman (J)