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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 272/2001

New Delhi this the 23rd day of July, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri V.K.Majotra, Member (A)

1. Junior Engineers Association
CCW AIR 5th Floor, Soochna
Bhawan, New Delhi through its
General Secretary, Sh.A.K.Singh
2. Sunil Dadlani
Arch.Asstt.Gr.II,
CCW AIR 2nd Floor, PTI Bldg.
New Delhi.
3. Anita Negi (Gr.II)
SA-III/CCW, AIR Ground Floor,
Soochna Bhawan, CGO Complex,
New Delhi.
4. Poonam Srivastava,
Arch.Asstt. Gr.II, CCW :AIR
2nd Floor, PTI Building,
New Delhi.
5. Jogender Singh
Arch.Asstt. Gr.I, CCW : AIR
2nd Floor, PTI Building, New Delhi.
6. Santosh Kumar Saxena
Arch.Asstt. Gr.I, CCW AIR,
2nd Floor, PTI Building, N/ Delhi.

(By Advocate Shri R.K. Gogna)

..Applicants

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1. Union of India through
Secretary, Ministry of
Information and Broadcasting,
Shastri Bhawan, New Delhi.
2. Chief Executive Officer,
Prasar Bharti,
Broadcasting Corporation of India,
Doordarshan Bhawan, Mandi House,
New Delhi.
3. Chief Engineer- 1,
CCW : AIR, 2nd Floor, PTI Bldg,
New Delhi.

(By Advocate Shri H.K.Gangwani)

..Respondents

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O R D E R (ORAL)

(Hon'ble Shri V.K.Majotra, Member (A))

Learned counsel of the applicants stated that the OA has been filed by the Jr.Enggs. Association through its General Secretary and other members who are working as Architectural Assistants (Arch.Asstts.) in Civil Construction Wing (CCW) of All India Radio (AIR) of Prasar Bharti (BCI). They are aggrieved by the act of the respondents who have now partially implemented and granted upgradation under the ACP Scheme w.e.f. 9.8.1999. Thereafter their pay was fixed in the scale of Rs.5500-175^h 8000. Learned counsel stated that the applicants have all along been equated with the Architectural Assistants of CPWD under the 3rd and 4th Central Pay Commissions (CPC). They had been drawing the same scale of pay as was drawn by the Arch.Asstts. under the CPWD. 5th Central Pay Commission vide Para 3.5.5. recommended that all employees working in CCW will continue to do so under the same pattern as CPWD and for that purpose, the rules applicable to CPWD will also apply to them. The rules contained in CPWD Account Code, CPWD Department Code and CPWD Manuals and subsidiary instructions issued by the competent authorities, under these rules from time to time apply to the Civil Construction Wing. Learned counsel stated that existing pay scale prior to the 5th CPC of Arch.Asstts., namely, Rs.1400-2300 and Rs.1640-2900 were merged and revised to Rs 5000-8000. in the CPWD and thereafter they were accorded under the ACP Scheme the next higher scale of Rs.6500-10,500/- and since the pay scale have not been

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merged in the CCW, they have been placed in the pay scale of Rs.5500-^b8000. Learned counsel stated that the respondents were to first merge the pay scales of Rs.1400-2300 and Rs 1640-2900 and revise to Rs.5000-8000/-, then accord them under ACP Scheme the next higher scale of Rs.6500-10,500. He points out that this matter was considered in the Joint Staff Association Meeting held on 4.8.2000. The decision of the Joint Staff Association Meeting is reproduced below:-

" Association informed that the Recruitment Rules for Arch.sstt.have not been modified on the pattern of CPWD in the light of Fifth Pay Commission recommendations for implementing part-C of 5th CPC report. Since pay scales as per 5th CPC recommendations had been granted the modification in R.R. of Arch.Asstt. was necessary. CE-1 asked EO 1 to send the proposal immediately and implement the ACP according the CPWD norms".

3. Learned counsel stated that the respondents have not implemented the decision taken in the meeting of the Joint Staff Association held on 4.8.2000, otherwise recruitment rules as per the recommendations of the 5th CPC and also the ACP Scheme would have been implemented by the respondents and placed the applicants in the pay scale of Rs.6500-10,500.

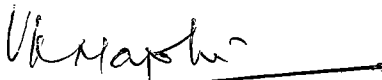
4. Learned counsel of the respondents Shri H.K.Gangwani stated that grant of pay scales relates to individuals and an Association cannot be concerned with that. He also stated that no direction can be issued to the respondents for grant of relief as prayed for by them in the OA, merger being a policy matter.

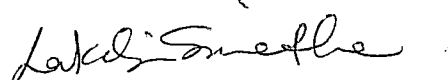
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5. We do not agree with the contention of the learned counsel for the respondents. The grievance relating to pay scale as well as grant of benefit under the ACP Scheme does concern the Association and OA can be filed before the Tribunal by an Association of a particular category of employees along with a member of the Association. Applicants 1 to 6 are its Members and function as Arch. Asstts. Grade, I, II and III.

6. Although we are not inclined to issue directions ourselves to the respondents to place the applicants under the ACP Scheme in the pay scale of Rs.6500-10500, at the same time on consideration of rival contentions of parties, we are of the considered view that respondents should consider the claims of the applicants in accordance with law, and as such, we direct the respondents to consider this OA as a representation from these applicants and dispose of the same by a detailed, speaking and reasoned order within a period of four months from the date of receipt of a copy of this order.

No order as to costs.


(V.K. Majotra)
Member (A)


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

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