

Central Administrative Tribunal, Principal Bench

Original Application No.545 of 2001

New Delhi, this the 17th day of September, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. M.P.Singh, Member(A)

Arun Kumar Sehgal
S/o Shri Hans Raj Sehgal
161/1, D-12, Sector-7
Rohini, Delhi-85

- Applicant

(By Advocate: Shri B.S.Oberoi)

Versus

1. Union of India through
Director General
Prasar Bharti, Broadcasting Corporation of India
Mandi House, Copernicus Marg,
New Delhi-1

2. Director,
Delhi Doordarshan Kendra
New Delhi-1

- Respondents

(By Advocate: Shri S.M.Arif)

O R D E R (ORAL)

By Justice Ashok Agarwal, Chairman

Applicant had earlier instituted OA No.1033/90 claiming pay scale of Floor Manager. Whereas he was performing the duties and functions of Floor Manager, he was given the designation and pay scale of Floor Assistant. By an order passed on 22.3.96, aforesaid OA was allowed and respondents were directed to fix the pay of applicant in the scale of Floor Manager for the period he discharged the duties of Floor Manager. Based on the aforesaid order, applicant by an order passed on 24/30.12.96 had been paid the pay scale of Floor Manager for the period 1.3.88 to 23.5.94. Though applicant had continued to perform the duties and functions of Floor Manager for the period after 23.5.94, he has not been paid the pay scale of Floor Manager. Based on a certificate issued on 3.12.99, applicant has been shown to have worked as Floor Manager

for the period 23.5.94 to 14.4.99. Despite representations having been made for payment on the aforesaid basis, no payment has been made.

2. One Shri Trilok Singh Rawat whose case was similar to that of the applicant and who had been denied the pay scale of Floor Manager had instituted OA No.1354/94 which was disposed of by an order passed on 16.8.99 by passing the following directions:

"10. However, we are of the view that if the applicants are actually found in any enquiry the authorities concerned, to have worked on the higher posts, it cannot be disputed that the pay of the higher posts should be paid to them. In the circumstances, in the interests of justice, we direct the Director Doordarshan, to enquire into and if it is found that the applicants have performed or performing the duties of Floor Manager and Transmission Executive for any period or periods, they should be paid the pay of the said posts for the said periods."

3. Based on the aforesaid directions, aforesaid Trilok Singh Rawat has been paid the pay scale of Floor Manager for the subsequent period also. By the present OA applicant seeks a similar relief of payment of pay scale of Floor Manager for the subsequent period after 23.5.94.

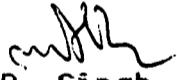
4. Respondents have issued an order of 25.2.99 in regard to upgradation of pay scales of certain categories of employees working in Prasar Bharti. The order inter alia provides as follows:

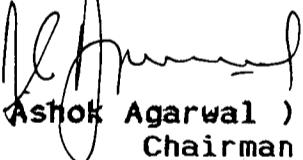
"4. The benefit of the upgraded pay scales will be available to existing incumbents only and those new direct recruits who join after issuance of these orders will not be entitled to these scales but will be governed by pay scales recommended by the Vth Pay Commission. However, all promotions of existing incumbents shall be made in upgraded scales only."

W.J.

5. As far as the applicant is concerned, it is his case that he was working as Floor Manager on the date of issue of the aforesaid order on 25.2.99. According to him, he falls within the category of existing incumbents on the date of passing of the order and is accordingly entitled to the upgraded scale.

6. In our judgement, as has been directed in the aforesaid order of 16.8.99 in OA-1354/94, applicant is held entitled to payment of pay scales attached to Floor Manager during the period he has worked as such. Respondents will examine the aforesaid claim of the applicant and make payment of the pay scales of Floor Manager to him during the period he has actually worked as such. Respondents will also consider whether applicant is entitled to the upgraded scale as provided in its order of 25.2.99 or the pay scale which has been recommended by the 5th Central Pay Commission and pass a speaking and reasoned order in that behalf and make payment accordingly. Present OA is allowed in the aforesated terms with no order as to costs.


(M.P. Singh)
Member (A)


(Ashok Agarwal)
Chairman

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