

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1563/1999

New Delhi, this the 24th day of September, 2001

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR. M.P. SINGH, MEMBER (A)

1. NAPP Supervisors Association
Through its Secretary
Narora Atomic Power Station
Narora, Dist. Bulandsahar
U.P. 202389.
2. Shri R.N.Verma,
Narora Atomic Power Project Supervisor's
Association, B-61/1, NAPP Township
Bulandsahar-202389. ... Applicants

(None)

V E R S U S

1. Union of India
through
represented by
Secretary to Government of India
Department of Atomic Energy
Anu Shakti Bhawan
C.S. M. Marg
Mumbai-400 039.
2. The Secretary to Government of India
Ministry of Personnel & Training
North Block
New Delhi. ... Respondents

(By Shri H.K. Gangwani, Advocate)

ORDER (ORAL)

Sh.M.P.Singh :-

By filing this OA, the applicants have claimed the following reliefs:-

"(i). to call for the relevant official records which evidence the process and method of decision making by the Respondents No.1 to No.3 in the matter of assessment of relativities as between Scientific Assistants and other cadres and quash the impugned Central Civil Services (Revised Pay) Rules, 1986 notified in Ministry of Finance Notification No.F.15(1)-IC/86 dated 13.9.1986 in so



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far as they relate to the pay scales of Scientific Assistants in the Department of Atomic Energy as unfair and violative of the principles of equal pay for equal work;

ii) to direct that the following pay scales be sanctioned w.e.f. 1.1.1986 to the Scientific Assistants of Department of Atomic Energy in the respective grades:-

Grade	Pay Scale	Services Group Status
A	1640-2900	Group 'B'
B	1840-3100	"
C	2000-3500	"
D	2200-4000	Group 'A'

iii) to further direct that the replacement pay scales standardised by Fifth Pay Commission and accepted by the Government and incorporated in CCS (Revised Pay) Rules, 1997 which correspond to the pay scales as at (ii) above be granted w.e.f. 1.1.1996 to the Scientific Assistants in the Department of Atomic Energy;

iv) to direct that arrears of scale accruing to the applicants consequent to sanction for higher pay scales w.e.f. 1.1.1986 and 1.1.1996 be paid.

v) to direct that all other consequential benefits be granted;....."

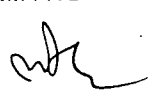
2. Brief facts of the case are that the applicants are working as Scientific Assistants in the Department of Atomic Energy and are at present deployed in various States like U.P., Rajasthan, Tamil Nadu, Gujarat etc. There are four grades in the cadre structure of the Scientific Assistants, namely 'A', 'B', 'C' & 'D', Grade 'A' being the the entry grade. After the recommendations of the Fourth Central Pay Commission, the Scientific Assistants Grades 'A', 'B', 'C' and 'D' were granted the pay scale of Rs.1400-2300, 1400-2600, 1640-2900 and 2000-3500 respectively. Applicants had represented to

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the respondents for the grant of higher pay scale keeping in view the relativity between the cadre of Scientific Assistants and other cadres. The request of the applicants was not agreed to by the respondents. Thereafter, the applicants had filed OA No.1271/1991 in this Tribunal claiming higher scale of pay in view of the recommendations of the Fifth Central Pay Commission. This Tribunal vide its order dated 14.8.1997 directed the respondents to refer the matter to an expert body. In pursuance of the directions of the Tribunal, the respondents constituted an expert committee who gave its report to the respondents. Not satisfied with the report of the expert committee, they had represented to the respondents. In the meanwhile, the Fifth Central Pay Commission was appointed and gave its recommendations. The Fifth Central Pay Commission did not recommend higher pay scales to the applicants and the respondents granted normal replacement scales to the Scientific Assistants. Aggrieved by this, they have filed this OA claiming the aforesaid reliefs.

3. The respondents in their reply have stated that the applicants had earlier filed an OA in this Tribunal and the Tribunal vide its orders dated 14.8.1997 had issued direction for constitution of an expert committee to go into the issue and give its recommendation. In pursuance of the directions of the Tribunal, an expert committee was constituted on 26.11.1997 which concluded that the recommendations made by an earlier committee appointed in 1993 namely Shri Rajagopal Committee to examine the grant of higher start in the pay scales of



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Scientific Assistants 'B' for the purpose of removal of anomaly between the pay of Scientific Assistants 'A' and Scientific 'B' be implemented. The Rajagopal Committee had recommended that in future while making a choice of grades, care should be taken to ensure that the various grades have not only different start but also have different increment rates and the anomaly arising at the fourth year of Scientific Assistants 'A' when promoted as Scientific Assistant 'B' vis-a-vis Scientific Assistant 'B' promoted to Scientific 'C' must be removed on case by case basis since no general solution was possible. Thereafter the matter has been looked into by the Fifth Central Pay Commission. The Fifth Central Pay Commission had recommended separate scales of pay with higher starting pay and different rates of increments in the revised scales effective from 1.1.1996 for Scientific Assistant 'A' and Scientific Assistant 'B' and these have already been implemented. Initially the pay scales as recommended by the Fifth Pay Commission and as notified by the Government were implemented. Subsequently still higher pay scales have been implemented by respondent No.1 in respect of the first four grades of Scientific Assistants i.e. Scientific Assistant 'A', Scientific Assistant 'B', Scientific Assistant 'C' and Scientific Assistant 'D' vide Memorandum dated 17.5.1999 at Exh.R-3 issued with the concurrence of Member for Finance which are an improvement over even the higher replacement scales recommended by the Fifth Central Pay Commission. In view of the aforesaid, the respondents stated that the OA should be dismissed as being devoid of merit.

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4. The applicants and his advocate are absent. We have heard Shri H.K.Gangwani, the learned advocate appearing on behalf of the respondents. We proceed to dispose of the OA on merits in terms of the Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987 in the absence of the applicants and their advocate. We have also gone through the relevant record placed before us.


5. The learned counsel for the respondents drew our attention to the judgement and order passed by the Hyderabad Bench of this Tribunal in OA No.315/1998 in the case of Nuclear Fuel Complex Supervisory Staff Association and another vs. Union of India on 4.11.1999. In that case, the other set of employees having similar grievance had filed the OA before the Hyderabad Bench. The Hyderabad Bench had dismissed the OA on the ground that it is for the expert bodies like the Pay Commission to go into such aspects. He submitted that in view of the judgement of the Hyderabad Bench of the Tribunal, this OA also has no merit and should be dismissed.

6. From the order passed by the respondents on 17.5.1999, we find that Scientific Assistants 'A', 'B', 'C' and 'D' have now been given ^{even 2} further higher scales as recommended by the Fifth Central Pay Commission. It is settled legal position that the grant of higher pay scale is to be looked into by expert bodies like the Pay Commission which takes into account all other aspects of the matter including job description, duties and


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responsibilities, cadre structure etc. for the grant of pay scales. In view of the fact that the applicants have already been granted the higher pay scale by the respondents, the prayer made by the applicants no more survives. In view of this, the OA has no merit and is dismissed. No costs.


(M.P. Singh)
Member (A)

/sns/


(Ashok Agarwal)
Chairman