

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.No.1872/99  
M.A.No.1833/99

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)  
Hon'ble Smt. Shanta Shastry, Member(A)

New Delhi, this the 3rd day of April, 2000

1. Ramesh Chander  
s/o U.Shyam Singh Shah  
17/37 Jam Nagar House  
New Delhi.
2. Surender Parkash  
s/o V.D.Jakhmola  
1/2 (New) Prem Nagar  
Lodhi Road  
New Delhi.
3. Asha Rani  
w/o Pawan Kumar Sharma  
326 Rishi Nagar  
Rani Bagh  
New Delhi.
4. Rakesh Kumar Tanwar  
s/o R.C.Tanwar  
B-132 Naraina Vihar  
New Delhi-28.
5. Vijay Kumar  
s/o late Sh. N.D.Arora  
979/7 Mehrauli  
New Delhi - 110 030.
6. Vandana Venkatraman  
w/o S.Venkatraman  
B-46/1 East of Kailash  
New Delhi - 65. .... Applicants

(Applicants No.1, 2 and 4 are present in person)

Vs.

Union of India through

1. The Secretary  
Dept. of Expenditure  
Ministry of Finance  
North Block  
New Delhi.
2. The Executive Director/DDG  
Computer Centre  
Dept. of Statistics  
East Block 10, R.K.Puram  
New Delhi.

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3. The Director  
Central Surplus Staff Cell  
Dept. of Personnel & Trd.  
3rd Floor, Lok Nayak Bhawan  
New Delhi. ... Respondents

(By Shri S.S.Bhoria, Asstt., Departmental  
Representative on behalf of the respondents)

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ORDER (Oral)

By Reddy. J.

Pleadings are complete. Learned counsels on either side are absent though this case is listed for disposal. Heard the applicants 1, 2 and 4 in person.

2. The applicants joined the Department of Statistics as Data Entry Operator Grade-A (for short DEO-A) in the year 1989 in the pre-revised scale of Rs.1150-1500. The replacement scale as per the Fifth Pay Commission recommendations, which have been accepted by the Government, according to the applicants, is Rs.4000-6000 w.e.f. 1.1.1996. Accordingly, the applicants pay scales were fixed in the scale of Rs.4000-6000. The applicants were declared surplus in the year 1996 and were transferred to surplus cell of the Establishment of the Ministry and they were reported to the Central Surplus Cell in the Department of Personnel and Training for arranging re-deployment in the appropriate post. They were readjusted in the post of Lower Division Clerk in the scale of Rs.3050-4590. The grievance of the applicants is that they were entitled to be readjusted in the same pay scale of Rs.4000-6000 which they were drawing prior to the declared as surplus.

3. The case of the respondents, however, is that the replacement scale of Rs.1150-1500 is Rs.3050-4590 but inadvertently, the applicants have

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-3-

been paid pay in the scale of Rs.4000-6000 w.e.f. 1.1.1996. The pay scale of Rs.4000-6000 has to be given only after fulfilment of certain conditions as per the recommendations of the Fifth Pay Commission's order of 1997. Hence the applicants were rightly readjusted in the posts of LDC in the scale of Rs.3050-4590.

4. We have given careful consideration of the pleadings.

5. A perusal of the Rule 9.1, pertaining to placement of surplus employees, makes it clear that surplus staff when redeployed, shall be entitled to the first priority for appointment to a vacancy, next only to the disabled Defence personnel. Rule 9.2.1 provides that as far as possible, a surplus employee shall, subject to his suitability, be redeployed in a post carrying a pay scale matching his current pay scale. Rule 9.2.3 further provides that when surplus staff is redeployed in a post carrying a lower scale of pay the surplus employee shall be permitted to carry his previous pay scale along with him to the next post, even if he was only officiating in it.

6. Admittedly, the applicants who are working in the pre-revised scale of Rs.1150-1500 prior to 1.1.1996 were drawing the scale of Rs.4000-6000 w.e.f. 1.1.1996 and their pay was fixed at Rs.4300 as on 1.1.1996. The respondents also admit that they were drawing their pay in the pay scale of Rs.4000-6000 w.e.f. 1.1.1996. They however submit that the said pay scale was given by mistake/inadvertently and their

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normal scale was Rs.3050-4590. But it is the case of the applicants that one Shri Sanjeev Kumar who was declared surplus was nominated to an equivalent pay carrying a pay scale matching his scale of Rs.4000-6000. But the applicants were nominated to the lower post of LDC (3050-4590) without their consent. In view of Rule 9.2.3 the applicants are entitled to carry the previous pay scale even though they were redeployed or nominated to a post carrying lesser pay scale. Admittedly, even as per the case of the respondents, the applicants were drawing their pay in the pay scale of Rs.4000-6000. If it is given by mistake, which is now disputed by the applicants, the applicants are entitled to proper notice and a hearing. The question whether the applicants had fulfilled the conditions as stipulated in Part 'B' of the revised pay scales for Electronic Data Processing Staff has to be decided only after notice to the applicants.

7. In the circumstances, without going into the merits and without expressing any opinion in this case, we dispose of the OA, directing the respondents to issue proper notice and consider whether the applicants are entitled to be placed in the replacement scale of Rs.4000-6000 w.e.f. 1.1.1996. Till that time, the applicants are entitled to be paid their pay in the pay scale of Rs.4000-6000 in the post of Lower Division Clerk to which they were nominated. The OA is accordingly disposed of. No costs.

*Shanta Shastray*  
(SMT. SHANTA SHAstry)  
MEMBER(A)

*Rajagopal Reddy*  
(V.RAJAGOPALA REDDY)  
VICE CHARIAMN(J)