

Central Administrative Tribunal
Principal Bench

O.A. No. 2042 of 1999

New Delhi, dated this the 18 - JULY, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. KULDIP SINGH, MEMBER (J)

S/Shri

1. D.S. Rana,
Manager,
Departmental Canteen,
B Block, DHQ P.O.,
New Delhi-110011.
2. A.B. Kundu,
Halwai,
Departmental Canteen,
E-in-C Branch, Kashmir House,
New Delhi-110011.
3. A.K. Sharma,
Cashier,
Central Water Commission,
Departmental Canteen,
R. K. Puram,
New Delhi-110022.
4. Deleted
5. Ajay Kumar Bakshi,
Dy. General Manager,
DHQ Departmental Canteen,
D-1 Wing,
Sena Bhawan,
New Delhi-110011.
6. Deleted
7. Atul Kumar Garg,
Manager,
Departmental Canteen,
E-in-C Branch,
Kashmir House, New Delhi-110011.
8. B.B. Sharma,
General Manager,
CWC Departmental Canteen, R.K. Puram,
New Delhi-110022.
9. B.D. Sharma,
Asst. Manager,
Departmental Canteen,
B Block,
New Delhi-110011.
10. Bhagat Ram Sharma,
General Manager,
DHQ Departmental Canteen,
D-1 Wing,
Sena Bhawan, New Delhi-110011.

11. Bhim Singh Rana,
Storekeeper,
Ministry of Defence Departmental Canteen,
South Block, DHQ P.O.,
New Delhi-110011.
12. Bikram Singh,
Halwai,
DHQ Departmental Canteen,
D-1 Wing,
Sena Bhawan,
New Delhi-110011.
13. Deleted
14. Dhani Singh,
Storekeeper,
CWC Departmental Canteen, R.K. Puram,
New Delhi-110022.
15. Fateh Singh,
Halwai,
CWC Departmental Canteen,
R.K. Puram, New Delhi-110022.
16. G.K. Nair,
Halwai,
CWC Departmental Canteen,
R.K. Puram,
New Delhi-110022.
17. Deleted
18. Hitesh Kumar Rajpal,
Accountant,
DHQ Departmental Canteen,
D-1 Wing,
Sena Bhawan, New Delhi-110011.
19. Deleted
20. K.S. Nair,
Halwai,
Naval Departmental Canteen,
A Block Hutmets, DHQ P.O.,
New Delhi-110011.
21. Deleted
22. Kuldeep Chand,
General Manager,
Air Headquarters Canteen, Vayu Bhawan,
New Delhi.
23. Mukesh Kumar,
Dy. General Manager,
NHQ Departmental Canteen,
C.Wing, Sena Bhawan, New Delhi.

24. N.N. Pandey,
Asst. Manager,
NHQ Departmental Canteen, C Wing,
Sena Bhawan, New Delhi-110011.

25. Narender Sharma,
Cashier,
DHQ Departmental Canteen,
D-1 Wing,
Sena Bhawan,
New Delhi-110011.

26. Deleted

27. Deleted

28. Pooran Chand,
Storekeeper,
Air Headquarters Departmental Canteen,
Vayu Bhawan,
New Delhi-110011.

29. Pratap Singh,
Halwai,
DHQ Departmental Canteen,
D-1 Wing, Sena Bhawan,
New Delhi-110011.

30. R.K. Kukreja,
Accountant,
Departmental Canteen,
South Block,
DHQ P.O.,
New Delhi-110011.

31. Rajinder Singh,
Manager,
CAO Departmental Canteen,
C-II Hutmants, DHQ P.O.,
New Delhi-110011.

32. Deleted

33. Rikhi Ram,
Halwai,
CAO Deptartmental Canteen,
C-II Hutmants,
DHQ P.O., New Delhi-110011.

34. S.G. Bhardwaj,
Accountant
CWC Departmental Canteen,
R.K. Puram, New Delhi.

35. Satya Prakash,
Dy. General Manager,
Air Headquarters,
Departmental Canteen,
Vayu Bhawan,
New Delhi-110011.

36. Shish Pal Singh,
Cashier,
Air Headquarters Departmental Canteen,
Vayu Bhawan,
New Delhi-110011.

37. Shiv Kumar Sharma,
Asst. Manager,
DHQ Departmental Canteen,
D-1 Wing,
Sena Bhawan,
New Delhi-110011.

38. Deleted

39. Sohan Lal,
Halwai,
West Block-IV,
R.K. Puram,
New Delhi-110022.

40. Sohan Lal,
Halwai,
Air Headquarters Departmental Canteen,
West Block IV

41. Uma Saxena,
Asst. Manager,
Departmental Canteen,
E-in-C Branch
Kashmir House,
New Delhi-110011.

42. Y.P. Singh,
Asst. Manager,
NHQ Departmental Canteen,
A Block,
New Delhi-110011. .. Applicants

(By Advocate: Shri G.K. Aggarwal)

Versus

1. Union of India through
the Director of Canteens,
Department of Personnel & Training,
Lok Nayak Bhawan, 3rd Floor,
Khan Market,
New Delhi-110003.

2. The Secretary,
Ministry of Finance,
Dept. of Expenditure,
North Block,
New Delhi-110001.

3. The Defence Secretary,
South Block, DHQ P.O.,
New Delhi-110011. .. Respondents

(By Advocate: Shri D.S. Mahendru)

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ORDERMR. S.R. ADIGE, VC (A)

Applicants impugn relevant extracts of the 5th Central Pay Commission's recommendations (Annexure A-2), O.M. dated 24.9.98 (Annexure A-1) and order dated 30.7.99 (Annexure A-3). They seek a direction that respondents shall review and implement effective 1.1.96 wages and wage structure of the following officers and staff in non-statutory departmental canteens in/under Government including Departments/Headquarters/units/offices within three months.

- i) General Manager
- ii) Dy. General Manager
- iii) Accountant
- iv) Manager (A&B)
- v) Manager (C&D)
- vi Asst. Manager-cum-Storekeeper
- vii) Storekeeper
- viii) Cashier
- ix) Halwai

2. Heard.

3. Applicants themselves admit in paragraph 4.04 of the O.A. that effective 1.1.96 the scale of Rs.5000-8000 sanctioned for the post of General Manager is as per recommendations of 5th Central Pay Commission, ^{which} was an expert body.

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4. Similarly we note that in respect of (ii) posts of Dy. G.M. (also known as Dy. Manager) and (iii) Accountant [(also known as Sr. Clerk(Accounts)] both of which were in the pre-revised scale of Rs.1200-1800, the 5th Pay Commission in Paragraph 55.22 (iii) of its report had recommended that they may be upgraded to Rs.1320-2040. It is after bracketing these posts with posts in the higher scale of Rs.1320-2040 that respondents have sanctioned the revised replacement pay scale of Rs.4000-6000 w.e.f. 1.1.96.

5. We further notice that in respect of (iv) Manager (A&B Canteens) (also known as Manager Grade II) who were in the pre-revised scale of Rs.1200-1800, the 5th Pay Commission in the aforesaid para had specifically recommended that these posts be upgraded to Rs.1320-2040. It is after bracketing these posts with posts in the higher scale of Rs.1320-2040 that respondents have sanctioned the revised replacement scale of Rs.4000-6000 w.e.f. 1.1.96.

6. In regard to (v) Manager (C&D Canteens) (also known as Manager Grade III) they were on the erstwhile scale of Rs.950-1500. Respondents in their additional affidavit admit that no specific recommendation was made by 5th Pay Commission in respect of this category of posts, and hence would have been covered by the revised replacement scale of Rs.3050-4590, but as this post is in the line of

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promotion for clerks, for whom also the replacement scale of Rs.3050-4590, posts of Manager (C&D Canteens) have been given the higher scale of Rs.3200-4900 w.e.f. 1.1.96.

7. Posts of (vi) Assistant Manager-cum-Storekeeper, (viii) Storekeeper and (viii) Cashier were in the erstwhile scale of Rs.950-1500, the normal replacement scales for which is Rs.3050-4590. However, as the posts are in the line of promotion for clerks who have also been given the revised pay scale of Rs.3050-4590 w.e.f. 1.1.96, the aforesaid three categories of posts have been granted revised scale of Rs.3200-4900 w.e.f. 1.1.96.

8. Coming to (ix) Halwai, these posts were in pre-revised scale of Rs.950-1500 the normal replacement scale for which is Rs.3050-4590, but as this scale has also been given to the post of Assistant Halwai/Cook which is the feeder post for promotion to Halwai, respondents have granted the higher scale of Rs.3200-4900 for the post of Halwai w.e.f. 1.1.94.

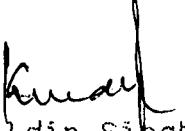
9. In this context the 5th Pay Commission has itself stated in its report that where no specific pay scales were recommended in respect of particular posts or categories of posts, general replacement scales recommended by them would be applicable. We find that it is these specific/replacement scales recommended by the 5th Pay Commission which respondents have made applicable

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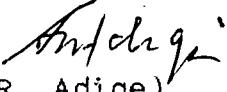
w.e.f. 1.1.96, in which care has been taken to sanction a higher scale when the replacement scale was made available to a post in the feeder cadre also.

10. The Hon'ble Supreme Court has time and again cautioned Courts/Tribunal's in interfering with the decisions taken by Government based on the Pay Commission's recommendations, which is a ~~expert~~ ^{specialised} body and has the necessary ~~resources~~ ^{resources} and expertise to go indepth into the matter, because any such intervention has a cascading effect and tends to disturb the pay relativities.

11. In the light of the above, the O.A. warrants no interference. It is dismissed. No costs.


(Kuldip Singh)

Member (J)


(S.R. Adige)

Vice Chairman (A)

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