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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.2508/99
M.A.No.2524/99

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri Govindan S. Tampi, Member(A)

New Delhi, this the 18th day of October, 2000

Shri G.S.Negi
s/o Sh. Prem Singh Negi
r/o 110/242, Street No.9
South Gaman (Pragati Vihar)
Sahadra
Delhi - 110 053.
retired SEA under R-2.

... Applicant

(By Shri T.C.Aggarwal, Advocate)

Vs.

Union of India through

1. The Secretary
Ministry of Information &
Broadcasting
Shastri Bhavan
New Delhi - 1.

2. The Director General
Doordarshan, Mandi House
New Delhi - 1.

.. Respondents

(By Shri R.P.Aggarwal, Advocate)

O R D E R (Oral)

By Justice V. Rajagopala Reddy:

The first grievance of the applicant is that when he was promoted as Senior Engineering Assistant on 30.11.1984 his pay has been fixed at Rs.725 without giving the benefit of FR 22(I)(a)(1) and that the scale of one Mr. S.C.Saini, on the other hand, was fixed at Rs.750/- though he was junior to him giving the benefit of FR 22(I)(a)(1). This grievance cannot be accepted. The scope of FR 22(I)(a)(1) has been considered by us in a similar case regarding promotion of Engineering Assistant to Senior Engineering Assistant in Shri P.N.Kohli and Others Vs. Union of India & Others, OA No.165/97 decided on 13.9.2000. Following the Judgment of the Supreme Court in Union

of India & Others Vs. Ashoke Kumar Banerjee, 1998 SCC (L&S) 1277 where it was held that the benefit of the FR 22(I)(a)(1), would be given only in case of a promotion moving from a lower scale attached to the lower post to a higher scale attached to a higher post, we held that Engineering Assistants are not entitled for the FR in case of their promotion to Senior Engineering Assistants.

2. In view of the above judgement, the applicant's grievance cannot be accepted.

3. The grievance as to the stepping up of the pay of the applicant with his junior Mr. Saini, cannot also be accepted, as the pay of Mr. Saini was not correctly fixed in accordance with law. The learned counsel for the respondents therefore submits that the pay fixation in respect of Mr. Saini was incorrect and since steps were taken for correction of the mistake but in view of the stay granted by the Tribunal in OA No.165/97 and pending the disposal of the OA the same could not be done. The applicant, therefore, cannot seek the pay parity with an employee whose pay was not correctly fixed.

4. The learned counsel relying upon the proceedings dated 22.3.1999 further states that he should be continued to be paid at Rs.8575/- w.e.f. 1.1.1996 in the revised scale of Rs.7450-11550. This contention is also not accepted. The above proceedings clearly shows:

"The upgraded scales will be allowed not as Government employees per se but as Government employees currently in service

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of Prasar Bharati (Broadcasting Corporation of India). As and when the employees presently working in Doordarshan are asked to exercise their option, those employees who do not opt for Prasar Bharati will revert as Govt. servants and will no longer be entitled to the revised scales. They will also have to refund all the benefits availed by them as a result of the grant of higher scales of pay in lump-sum. They will be liable to recovery of all such benefits."

5. It is not in dispute that the applicants were granted the revised pay scales as recommended by the Fifth Pay Commission and accepted by the Government. In the circumstances all the grievances of the applicant are rejected. OA is accordingly dismissed. No costs.

(GOVINDAN S. TAMPI)
MEMBER(A)

(V. RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

/RAO/