

Central Administrative Tribunal, Principal Bench

Original Application No. 2741 of 1999

New Delhi, this the 13th day of July, 2000

Hon'ble Mr.Justice Ashok Agarwal Chairman
Hon'ble Mr.V.K.Majotra, Member (Admnv)

Alam Singh, S/o Shri Natha Singh, Tractor
Driver, Remount Training School & Depot
Saharanpur and others (as per list of
applicants, Annex.A-3) - Applicants

(By Advocate Shri G.D.Bhandari)

Versus

Union of India through

1. The Secretary, Ministry of Defence/ Govt. of India, New Delhi.
2. Addl. Director General RV (RV-1) Quarter master General's Branch Army HQ, West Block No.3, R.K. Puram, New Delhi.
3. The Sr. Record Officer Remount Veterinary R.V.C.Records Meerut Cantt.
4. The Commandant, Remount Training School & Depot, Saharanpur.
5. The C.D.A. (Army) Meerut Cantt.
6. A.G's, Army HQ RVC-RV-1 ORG(Civil) (d) West Block No.3, R.K. Puram, New Delhi.- Respondents
(By Advocate Shri D.S.Mahendru)

O R D E R (Oral)

By V.K.Majotra, Member(Admnv) -

The applicants have assailed respondents' letter dated 16.9.1999 (Annexure-A-1) issued by Army Headquarters, New Delhi whereby the applicants' case of disparity in pay scales has been preferred for consideration to the Anomalies Committee of the Ministry of Defence. The applicants claim that they are entitled to the pay scale of Rs.1200-1800 with effect from 1.1.1986 i.e. the date of implementation of the recommendations of the Fourth Central Pay Commission (for short '4th CPC') and Rs.4500-7000 with effect from 1.1.1996 i.e. the date of implementation of the Fifth Central Pay Commission (for short '5th CPC').

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2. The applicants are Tractor Drivers under the respondents, who were paid wages up to December, 1985 in the pay scale of Rs.320-400. Consequent upon the recommendations of the 4th CPC they were granted the pay scale of Rs.1150-1500 as against the pay scale of Rs.1200-1800 as recommended by the 4th CPC. According to the applicants they were paid salary in the pay scale of Rs.1150-1500 up to April, 1995. In April 1995 they were granted in-situ promotion. When the applicants were entitled to be granted replacement scale of Rs.1200-1800, in an arbitrary fashion, they were placed in the pay scale of Rs.975-1660. According to the applicants on availability of recommendations of the 5th CPC applicants as Tractor Drivers are entitled to pay scale of Rs.5500-150-6000 with effect from 1.1.1996 but again they were granted the pay scale of Rs.3200-4900 and Rs.4000-6000. The replacement scale for Rs.1200-1800 under Revised Pay Rules, 1997 (for short 'RPR 1997') is Rs.4000-6000. The applicants have also claimed that their qualifications are superior to those of Motor Drivers and their job responsibilities *is* more strenuous and that whereas Motor Drivers have been getting a lower pay scale than the Tractor Drivers previously now they are getting higher pay scales i.e. of Rs.3040-4590 for Ordinary Grade, Rs.4000-6000 for Grade-II and Rs.4500-7000 for Grade.I, vis-a-vis lower pay scales accorded to Tractor Drivers. The applicants have sought directions to the respondents that the applicants are entitled to the scale of Rs.1200-1800 as a replacement to scale Rs.320-400 with effect from 1.1.1986 consequent upon acceptance of the



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recommendations of the 4th CPC and further to the scale of Rs.4500-7000 with effect from 1.1.1996 consequent upon the acceptance of the recommendations of the 5th CPC with consequential benefits.

3. In their counter the respondents have stated that by the impugned letter of 16.9.1999 the case of the applicant has been referred to the Anomalies Committee of the Ministry of Defence. The decision thereof is awaited. The respondents have contended that in implementation of the recommendations of the 4th CPC the applicants were granted the pay scale of Rs.1150-1500 as replacement for the scale of Rs.320-400. They have admitted that erroneously the applicants were granted the pay scale of Rs.975-1660 instead of Rs.1200-1800 at the time of their in-situ promotion.

4. We have heard the learned counsel of the parties and perused the material available before us.

5. It is an admitted fact that the applicants were paid their wages correctly up to December, 1985 in the pay scale of Rs.320-400 i.e. prior to the implementation of the recommendations of the 4th CPC. From 1.1.1986 they were granted the pay scale of Rs.1150-1500. According to the respondents the applicants were correctly placed in the pay scale of Rs.1150-1500 on 1.1.1986. The applicants were given in situ promotion in April, 1995 and placed in the pay scale of Rs.975-1660. The respondents have admitted that instead of Rs.1200-1800 the applicants were granted a lower pay scale of Rs.975-1660 than even the pay scale

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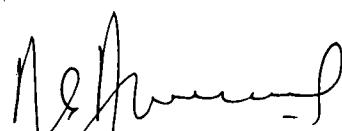
of Rs.1150-1500 which had already been given to them on 1.1.1986. The respondents have contended that the applicants were given the correct replacement scale of Rs. 1150-1500 as per the recommendations of the 4th CPC as replacement scale of the scale of Rs.320-400. The learned counsel of the applicants has admitted this position and has stated that he has no quarrel with the allocation of the pay scale of Rs.1150-1500 up to April,1995. The applicants have claimed and the respondents have also admitted that on receiving in situ promotion the applicants should have been placed in the replacement scale of Rs.1200-1800. However, erroneously the applicants were kept in a still lower scale of Rs.975-1660 which has necessarily to be rectified. The pay scale of Rs.1200-1800 was replaced by the scale of Rs.4000-6000 with effect from 1.1.1996 under RPR 1997 to which also the applicants are rightly entitled with effect from 1.1.1996 when the recommendations of the 5th CPC were accepted by the Government.

6. Having regard to the facts and circumstances of the case, it would be futile to wait for the report of the Anomalies Committee of the Ministry of Defence as in the matter an inordinate delay has already been passed in settling the issue in question. In this view of the matter, we find it just and proper to hold that the applicants are entitled to the scale of Rs.1200-1800 with effect from 1.4.1995 when they were given in situ promotion and the pay scale of Rs.4000-6000 with effect from 1.1.1996 consequent to the acceptance of the recommendations of the 5th CPC, with all consequential

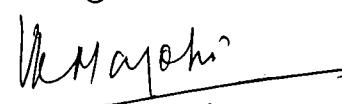


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benefits within a period of three months from the date of receipt of a copy of this order. OA is accordingly allowed. No costs.


(Ashok Agarwal)

Chairman


(V.K. Majotra)

Member (Admnv)

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