

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No.1053/98

New Delhi: this the 20th day of APRIL ,2001.

HON'BLE MR.S.R.ADIKE, VICE CHAIRMAN (A).

HON'BLE DR.A.VEDAVALLI, MEMBER (J)

Jagmohan Sajwan,
S/o Shri T.S.Sajwan,
R/o Sector -2/494, Sadiq Nagar,
New Delhi-49.

.....Applicant.

(By Advocate: Shri Deepak Verma).

Versus

Union of India
through

1. The Secretary,
Ministry of Home Affairs,
Govt. of India,
North Block,
New Delhi.

2. The Director,
National Crime Records Bureau,
East Block-7, R.K.Puram,
New Delhi-66

3. The Secretary,
Ministry of Finance,
Govt. of India,
Dept. of Expenditure,
North Block,
New Delhi

....Respondents.

(By Advocate: Shri S.K.Gupta)

ORDER

S.R.Adike, VC (A):

During hearing of this OA filed on 13.5.98 applicant's counsel Shri Deepak Verma stated at the bar that applicant was confining his prayer before us for revision of pay scale from 1400-2300 to 1600-2660 for the period 11.9.89 up to 7.4.93 alone and not beyond 7.4.93. We shall therefore confine ourselves to applicant's claim for revision of pay scale from 1400-2300 to 1600-2660 for the period 11.9.89 to 7.4.93 alone and not beyond.

2. Applicant who was working as LDC in Defence Ministry was selected for appointment as S.I in Computer and System Division of NCRB on deputation basis in the scale of Rs.1320-2040 for a period of 3 years vide Office order dated 23.8.89 (Annexure-A2). His deputation was further extended for one year w.e.f. 3.8.92 vide order dated 31.8.92. Applicant represented for permanent absorption as S.I. in C & S Division of NCRB on 16.12.91 upon which by Memo dated 31.3.93 (Annexure-A3) he was informed that it was proposed to appoint him on transfer basis as SI in C & S Division and redesignate him as Data Entry Operator Group 'C' (Rs.1400-2300) with effect from the date he exercised his option.

3. Meanwhile by MHA letter dated 6.10.91 (Annexure-AAI) sanction was conveyed to redesignation and revision of pay scale of various EDP post in NCRB Wef 11.9.89 as per details given below :

Sl. No.	Existing designation & scale of pay	No. of posts	Revised designation & scale of pay	No. of posts
1	2	3	4	5
1.	Constable (800-1150)	47	DEO Gr.A 1150-1500	36
2.	Head Constable (950-1400 plus Rs.80/- spl. pay)	10	DEO Gr.B 1350-2200	19
3.	Sub-Inspt. (1320-2040)	63	DEO Gr.C 1400-2300	6
4.	Stat. Asstt. (1400-2300)	2	DEO Gr.D 1600-2660	3
5.	Insp. / Stat. Investigator (1640-2900)	42	DEO Gr.A 1600-2000 DEO Gr.D 2000-3200 DEO Gr.E 2000-3200	57
				40
				1

4. Thereupon, based on DPC's recommendation by order dated 12.4.93 (Annexure-AA3) applicant was appointed as SI in C & S Division of NCRB on transfer basis in the scale of Rs.1320-2040 w.e.f. 7.4.93, consequent upon implementation of EDP scales in C & S Division, and upon exercising his option he was redesignated as DEO Gr. C (Rs.1400-2300) w.e.f. 7.4.93.

5. Applicant cannot claim to have been unaware of the contents of MHA's letter dated 6.10.91 (Annexure-AA1) redesignating and revising the pay scale of various EDP posts in NCRB, and he has shown us nothing to establish that he made any grievance against the order dated 12.4.93 redesignating him and revising his pay scale as DEO Gr.C (Rs.1400-2300). Indeed respondents in their addl. affidavit dated 12.12.2000 have categorically asserted that the redesignation of various posts vide MHA order dated 6.5.91 was not on one to one basis and applicant was asked to exercise his option whether he was willing to be considered as DEO Gr.C (Rs.1400-2300) and he exercised his option for the post of DEO Gr.C and he was absorbed in that post w.e.f. 7.4.93 vide order dated 12.4.93 (Annexure-AA3).

6. Pursuant to order dated 12.4.93 applicant became entitled to draw the scale of Rs.1400-2300 w.e.f. 7.4.93 onwards, as DEO Gr.C.

7. In so far as applicant's claim to draw the higher scale of Rs.1600-2600 for the period 11.9.89 to 7.4.93 is concerned, that scale was admissible to DEO's Gr. D and Gr.A, but applicant had not been redesignated as DEO during that period and continued to be an SI for that entire period in the scale of Rs.1320-2040.

8. Applicant contends that by respondents' order dated 6.11.97 (Annexure-A 1) and order dated 6.2.98 SIs in the scale of Rs.1320-2040 like him but who were

junior to him have been placed in the scale of Rs.1600-2660 and w.e.f. 11.9.89, he is therefore entitled to the same scale.

9. A perusal of the orders dated 6.11.97 and 6.2.98 reveals that those SIs have been placed in the scale of Rs.1600-2660 w.e.f. 11.9.89 as Data Processing Asstts Gr.A and not as Data Entry Operators. In this connection Finance Ministry's OM dated 11.9.89 (Annexure-A4) on the subject of rationalisation of pay scale of EDP posts makes it clear that the posts of Data Entry Operators were separate and distinct from Data Programming Asstts. Data Entry Operators were themselves in 2 grades at the entry level. One grade was Rs.1150-1500 for Higher Secondary candidates with knowledge of data entry work, while a slightly higher grade of Rs.1150-2200 was provided at entry level for graduates with knowledge of data entry work. It was also the promotional grade for DEO Gr.A. Thereafter there were the promotional grades of DEO Gr.C (Rs.1400-2300); DEO Gr.D (1600-2660) and DEO Gr.E (Rs.2000-3500). Data Entry Assistants on the other hand fell under the category of Data Processing and Programming Staff, and Data Entry Asstts. Gr.A in the scale of Rs.1600-2660 were the entry level for graduates with Diploma/Certificate in Computer Application, who could be promoted to DPA Gr.B (Rs.2000-3200).

10. As applicant has not produced any materials to establish that he was a graduate with Diploma/Certificate in Computer Application, we find ourselves unable to direct respondents to place applicant in the scale of Rs.1600-2660 for the period 11.9.89 to 7.4.93, in view of the express provisions of Finance Ministry's Circular dated 11.9.89 neither S.M.Ilyas Vs. ICAR & Ors. 1993(1)61SLR nor the other rulings cited by applicant's counsel advance applicant's claim.

11. The OA is dismissed. No costs.

A.Vedavalli
(DR.A.VEDAVALLI)
MEMBER(TT)

S.R.Adige
(S.R.ADIGE)