

Central Administrative Tribunal
Principal Bench

O.A. 1085/98

New Delhi this the 25th day of August, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member(J).
Hon'ble Shri S.A.T. Rizvi, Member(A).

Triveni Lal,
S/o Shri Loki Ram,
R/o C-7, Central Jail,
Staff Quarters,
Delhi-14.

... Applicant.

(By Advocate Shri U. Srivastava)

Versus

Govt. of NCT Delhi through

1. The Secretary,
Govt. of NCT Delhi,
5, Shamnath Marg, Delhi.
2. The Inspector General (Prisons),
Central Jail Tihar,
New Delhi.
3. The Dy. Secretary Finance (Budget),
Finance Budget Deptt.,
Govt. of NCT of Delhi,
5, Sham Nath Marg,
New Delhi.

... Respondents.

(By Advocate Shri Rajinder Pandita)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The applicant is aggrieved that the respondents have not taken any action to revise his pay scales as Instructor/Tailor Master which post he has been holding since 1968. He was earlier appointed as Warder with the respondents with effect from 23.11.1963 in the pay scale of Rs.50-100 and later as Tailor Master in the pay scale of Rs.60-240. His grievance is that in spite of making a number of representations to the respondents, they have not taken any action for revision of his pay scales. These averments

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made by the applicant are not denied by the respondents in their reply, which has been filed as far back as 23.11.1998. In the reply, the respondents have stated that it is true that the applicant had made a number of representations for revision of the pay scales but they have denied that they are not doing anything in this matter. According to them, a proposal had been sent to the Government of India, which is not a party in the present application, for revision of pay of the technical staff in Central Jail equivalent to their counter-parts in the Jails of the State Government of Haryana. Further, they have also submitted that the Jail Department had moved a proposal for amendment of the Recruitment Rules of technical staff and once this is done, higher pay scales would be available to all technical staff of Central Jail.

2. We have heard the learned counsel for the respondents and perused the records. Shri Rajinder Pandita, learned counsel for the respondents has taken a preliminary objection that the application is not maintainable as there is no final order passed in the present application. In view of the averments made by them in the reply and having regard to the nature and issues in the present case, the preliminary objection is rejected.

3. It is seen from the reply filed by the respondents that they themselves have realised that the Recruitment Rules for technical staff employed in the Central Jail have to be amended so that higher pay scales can be given to persons like the applicant who are belonging to this category, for example, Instructor/Tailor Master. This O.A.

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has been filed by the applicant on 12.5.1998. It is unfortunate that the learned counsel for the respondents is unable to apprise us as to what is the present position for the amendment of the Recruitment Rules and as to whether the pay scales have been revised or not. However, it is appreciated that the respondents themselves have realised the problems faced by the applicant and other similarly situated staff and we also note that they have taken up a proposal for amendment of the Recruitment Rules of technical staff for granting them the higher pay scales. Learned counsel for the respondents has, in the circumstances prayed for at least six months' time to complete the exercise of amendment of the Rules and take follow up action. This has been objected to by Shri U. Srivastava, learned counsel. He has also pointed out that the applicant has put in more than 30 years of service as technical staff in Tihar Jail and is to retire in October, 2000. He has also submitted that the issue of amendment of the Rules with a view to giving the higher pay scales to the concerned staff has already taken a number of years with no result so far.

4. We have considered the pleadings and heard the learned counsel for the parties.

5. In the facts and circumstances of the case, we are unable to agree with the plea taken by Shri Rajinder Pandita, learned counsel that further six months time should be given to the respondents to take a decision in the matter which admittedly has been engaging their attention for about two years. It is also relevant to mention that it is possible that the respondents have taken an appropriate decision in the matter regarding revision of the pay scales

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and amendment of the Recruitment Rules for technical staff as both the learned counsel were unable to place on record the upto date facts in the matter. However, the learned counsel for the applicant has contended that in the case of the applicant's pay scale, no revision has taken place. It is also relevant to note from the reply filed by the respondents that they have stated that the 5th Pay Commission which had revised the pay scales of Instructors had not touched upon the pay scales of technical staff, like the applicant. In such a situation, it was for the respondents to have placed the matter for revision of the pay scales of the applicant to the Anomalies Committee which apparently has ^{also} ~~not~~ been done by the respondents. Noting the above facts and having regard also to the fact that the applicant is retiring from service in the end of October, 2000 and this O.A. has been pending since 12.5.1998, the O.A. is disposed of with the following directions:

(1) The respondents to take a final decision in the matter of their proposal for amendment of the Recruitment Rules in respect of granting the higher pay scales to the technical staff, as already proposed by them, if not already taken, within six weeks from the date of receipt of a copy of this order;

(2) In view of the fact that the above matter of revision of Recruitment Rules and the pay scales of the technical staff has been pending with the respondents for a number of years, in case the same is agreed to, they should also keep in view the case of the applicant for granting him the benefits;

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(3) We note from the copy of the Bio-Data (Page 20 of the paper book) that the applicant has given his date of birth as 10.8.1940 whereas the respondents themselves in paragraph 4.14 have stated that the applicant shall retire on 31.10.2000. The factual position should be verified by the respondents based on the documents. Taking into account the facts and circumstances of the case, even if the applicant has retired in the meantime before the respondents have taken a final decision in the matter, he shall not be denied benefits of the higher pay scales, if he is otherwise eligible, with consequential benefits, in accordance with law. No order as to costs.

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(S. A. T. Rizvi)
Member (A)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

'SRD'