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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1818/98
OA No.1823/98

New Delhi this the 16th day of November, 2000.

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE-CHAIRMAN
HON'BLE MR. GOVINDAN S. TAMPI, MEMBER (ADMNV)

OA No.1818/98

1. R.K. Katyal,
R/o C-227, Nirman Vihar,
Delh-110092.

2. Ram Dass,
S/o late Sh. Asha Ram,
R/o B-2-44, UDAP,
Nehru Nagar,
New Delhi-110 065.

3. Tikam Singh Verma,
S/o late Sh. Chatur Singh,
R/o Sector 3/272, Type III,
Sadiq Nagar,
New Delhi.

4. Smt. Meena Kalra,
w/o Shri Krishan Kalra,
123/ Sector I,
R.K. Puram,
New Delhi-110 022. ...Applicants

(By Advocate Shri V.K. Rao)

-Versus-

Union of India, through

1. Secretary,
Department of Statistics,
Ministry of Planning & Programme
Implementation,
Sardar Patel Bhavan,
New Delhi.

2. Executive Director,
Computer Centre,
Department of Statistics,
East Block X,
R.K. Puram,
New Delhi-110 022. ...Respondents

(By Advocate Shri R.P. Aggarwal)

OA No.1823/98

Adarsh Kumar Dang,
S/o Shri R.R. Dang,
R/o WP-74-C, Pitampura,
Delhi. ...Applicant

(By Advocate Shri V.K. Rao)

-Versus-

Union of India, through

1. Secretary,
   Department of Statistics,
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   New Delhi-110 022. ...Respondents

(By Advocate Shri R.P. Aggarwal)

O R D E R

By Justice V. Rajagopala Reddy, Vice-Chairman (J):

As both the above OAs raise common questions of law, they are disposed of by a common order.

2. The applicants, four in number, in OA-1818/98 were working as Data Processing Assistants (DPAs for short) whereas the sole applicant in OA-1823/98 was working as Senior DPA, in the Department of Statistics, Ministry of Planning and Programme Implementation. In OA-1818/98 the applicants are seeking to be re-designated as DPAs Grade 'B' in the scale of Rs.2000-3200, whereas in OA-1823/98 the applicant is seeking designation to the post of Programmer and be placed in the scale of Rs.2375-3500 w.e.f. 3.9.89. They are aggrieved by the impugned orders of the respondents whereby they are re-designated as DPA grade 'A' in the scale of Rs.1600-2660 and DPA Grade 'B' in the scale of Rs.2000-3200, respectively, contrary to the terms of the order dated 11.9.89 of the Department of Expenditure, Ministry of Finance, which was issued in pursuance of the recommendations of the Seshagiri Committee.

3. In order to appreciate the question involved in this case, it is necessary to give little background of the case. On the recommendations of the Fourth Central Pay Commission the Department of Electronics constituted the Seshagiri Committee to suggest re-organisation of existing data processing posts and prescribe uniform pay scales in consultation with the Department of Personnel. In pursuance thereof, the Committee submitted a report to the Government and the Government of India on a careful consideration of the recommendations of the Committee, issued the OM dated 11.9.89 ~~decided to~~ introduce the following pay structure of the Electronic Data Processing Posts:

"Data Processing/Programming Staff

1. Data Processing Assistant Grade 'A'	Rs.1600-2660	Entry grade for graduates with Diploma/Certificate in Computer application.
2. Data Processing Assistant Grade 'B'	Rs.2000-3200	Promotional Grade.
3. Programmer	Rs.2375-3500	Direct entry for holders of Degree in Engineers or post-graduation in Science/ Maths etc. or post-graduation in Computer Application. or By promotion from Data Processing Assistant Grade 'B'.
4. Senior Programmer	Rs.3000-4500	Promotional Grade."

4. All Ministries/Departments having Electronic Data Processing Posts were directed to review the designation, pay scales and recruitment qualifications of

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their posts and revise the same in consultation with their Financial Adviser to the extent necessary as per the pay structure indicated above and to issue necessry revised noti-fications revising their pay scales by the concerned Ministry/Department.

5. Accordingly the Department of Statistics where the appliants are working have issued the order dated 2.7.90 (Annexure A-3) revising the designation and pay scales of Group 'B' and 'C' Electronic Data Processing Posts in the Electronic Data Processing Posts w.e.f. 11.9.89. The applicants in OA-1818/98 were re-designated as DPA Grade 'A' in the pay scale of Rs.1600-2600 whereas the applicant in the other OA was re-designated as Senior DPA and given the pay scale of Rs.2000-3200. Aggrieved by the same, the present OAs are filed.

6. The learned counsel for the applicants Sh. V.K. Rao, forcefully contends that the respondents fell into an error in deviating from the pattern of re-designation of posts and revision of pay scales as suggested in the order dated 11.9.89.

7. The learned counsel for the respondents Shri R.P. Aggarwal, however, contends that the respondents had faithfully followed the OM. But he aruged that the respondents were only directed to review the existing Electronic Data Processing Posts in their Department to the extent necessary as per the pay structures indicated in the above OM. Accordingly after such revision the impugned

orders were passed and necessary restructuing of the posts and revision of pay scales have been made, hence it is argued that the impugned orders are valid and sustainable.

8. We have considered the arguments. The applicants were working as Junior Programme Assistants in the grade of Rs.1400-2300 and Senior Data Processing Assistants in the grade of Rs.2000-3200 on the date on 11.9.89 in the two OAs respectively. The designation and the scale of pay along with qualification of Data Processing Assistants/ Programme staff are suggested in the OM dated 11.9.89. The designations of DPA Grade 'A', DPA Grade 'B', Programmer and Senior Programmer are shown with four different scales of pay. It should be noticed that the above is only illustrative of the re-structuing of the posts and the revision of the pay scales. The OM dated 11.9.89 issued by the Ministry of Finance, Government of India only indicates the above pattern of revised structure of Electronic Data Posts and required all the Ministries/Departments to review the designations, pay scales and recruitment qualifications of their posts and revise the same in consultation with their Financial Adviser <u>to the extent necessary as per the pay structure indicated by the Government.</u> (emphasis added) In the impugned orders what the department has done was exactly the same. According to the respondents, as stated in their reply they had reviewed the designation and the pay scales as suggested above and re-desiganted the posts revised the pay scale keeping in view the above pay structure suggested by the Government. As per the revision so made the following were the re-designation and the pay scales arrived at by the respondents:

(1)	(2)	(3)	(4)	(5)
Data Processing Division, NSSO	Data Processing Assistant	Rs.1200-30-1560-EB-40-2040.	Data Entry Operator Grade 'B'	Rs.1350-30-1400-40-1800-EB-50-2200
Computer Centre	Junior Programme Assistant	Rs.1400-40-1800-EB-50-2300	Data Processing Assistant	Rs.1600-50-2300-EB-60-2660.
IS Wing of CSO Calcutta	Jr. Investigator/ Console Operator/ Data Processing/ Librarian	-do-	-do-	-do-
Data Processing Division, NSSO	Data Processing Supervisor	Rs.1400-40-1600-50-2300-EB-60-2600.	-do-	-do-
Computer Centre	Programme Asstt/Console Operator	Rs.1640-60-2600-EB-75-2900	Senior Data Processing Assistant	Rs.2000-60-2300-EB-75-3200.
IS Wing of CSO at Calcutta	Sr. Investigator.	-do-	-do-	-do-
Data Processing Division, NSSO	Superintendent	-do-	-do-	-do-"

9. Thus the JPAs are redesignated as DPA with scales of pay at Rs.1600-2660 and the Programme Assistants/Console Operators which were in the grade of Rs.1640-2900 were re-designated as Senior Data Processing Assistants in the scale of Rs.2000-3200. Thus, by virtue of re-designation and revision of pay scales the applicants are given the benefit of higher scales. The applicants' submissions that their pay should have been revised to Rs.2000-3200 and Rs.2375-3500, respectively as suggested by the Government in the OM dated 11.9.89, cannot be accepted.

10. Learned counsel invites our attention to the order dated 4.8.2000 where the posts of Superintendent carrying the pay scale of Rs.1640-2900 has been re-designated as DPA Grade I in the scale of Rs.2375-3500. The learned counsel seeks parity with the above scale of Superintendent existing prior to 2.7.90 and the post which was re-designated thereafter as per the re-designation of the posts and revision of the pay scale as per the above Government order and the same benefit should be given to the applicant in OA No.1823/98. We are not convinced. The OM dated 4.8.2000 was issued by the Ministry of Planning and Programme Implementation, Department of Statistics and Programme Implementation. The said Department, considering its own requirement may have found it necessary to re-designate the posts existing in the Department prior to revision and the same cannot be made applicable to the Department of Statistics which is the respondents herein. The further contention that the scale of the Programmer should have been given to the applicant is misplaced. The said scale was given only in the posts of Programmer and as there is no such post in the Department the applicant cannot seek the benefit of the said scale. Unless the post is created by the department the said scale cannot be granted and as the same was not found necessary the said post was not created.

11. The same question was also considered in OA No.104/98 decided on 15.9.2000 and rejected. We do not, therefore, find any warrant to interfere with the impugned orders. The OAs, therefore, fail and are dismissed. No costs.

(Govindan S. Tampi)
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(V. Rajagopala Reddy)
V C (J)

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