

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.2094/1998

New Delhi, this the 25th day of the May, 2001.

HON'BLE MR. KULDIP SINGH, MEMBER (J)
HON'BLE MR. M.P. SINGH, MEMBER (A)

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Vijay Kumar Sharma, S/o Shri K.L. Sharma
Working in the Office of Registrar
General of India at Sewa Bhawan,
R.K. Puram, New Delhi.
R/o 114-A, DS Flats, Idgah Road,
Delhi-110 006.

... Applicant

(By Advocate: Shri S.M. Garg)

V E R S U S

Union of India,
Through the Registrar General of India
Office of Registrar General of India,
2-A, Mansingh Road, New Delhi.

.... Respondent

(By Advocate: Shri R. N. Singh proxy counsel for Shri
R.V. Sinha)

O R D E R

By Kuldeep Singh, Member (A):

The applicant has filed this OA under Section 19 of the Administrative Tribunal's Act, 1985 as he is aggrieved of the fact that he has been arbitrarily denied the pay scale of the post of Library Information Assistant (hereinafter referred to as LIA) though he has been redesignated as a LIA after the merger of the two posts of Librarian and Assistant Librarian which have been redesignated as LIA. As a LIA the pay scale have been revised to the pay scale of Rs.1400-2600 but the said scale has not been given to him despite repeated representations to the concerned authorities, hence he has filed this OA.

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2. The applicant states that he has been appointed as Assistant Librarian in the pay scale of Rs.130-280 in a temporary capacity w.e.f. 6.12.1973. The post of Assistant Librarian is a feeder post for promotion to the post of Librarian in the pay scale of Rs.150-340 and the post of Librarian had two modes of recruitment one by direct recruitment but the direct recruitment was required to possess a Degree of recognised University or equivalent and Degree/diploma in Library Science from a recognised University whereas for promotion purpose this qualification was not required and a person could also be promoted as Librarian from amongst Assistant Librarian with a minimum of 3 years of regular service in the scale of Rs.130-280.

3. The applicant further prays that vacancies for the post of Librarian arose on number of occasions from 1980 onwards and despite representation the applicant has not been considered. However, after the 4th Pay Commission which has suggested that a Committee be constituted to review the pay scales/qualification and recruitment level of the Library staff. In pursuance to that a Committee was constituted and the Government decided to introduce a new pay structure vide OM dated 24.7.90 vide which the post of LIA was placed in the revised pay scale of Rs.1400-2600 by merging various grades enlisted in the said Office Memorandum.

4. Again the post of LIA was meant for direct entry in graduate with Bachelor in Library Science and also by way of promotion from the post of Library Clerks and it

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was also provided in the restructuring order dated 24.7.90 that in case the existing incumbent does not fulfil the qualification he will continue in the existing pay scale on his personal post and as and when the post fall vacant it will be filled in an appropriate scale in accordance with the rules. Thus it is submitted that the applicant was eligible for being promoted as LIA and all the employees who were eligible could have been given merger and revision of the pay scale. Then a representation was also made but to no effect. Applicant also prayed vide an order dated 26.11.1992 that the President had also accorded sanction for the revision of designation for the post and scale of Librarian which was in the existing scale of 1400-2300 and Assistant Librarian which was the scale of Rs.1200-1800 to the revised scale of Rs.1400-2600 and vide that order Shri S.P. Bhatnagar was promoted but for the applicant it was observed that the applicant does not fulfil the qualification prescribed for the post in the pay scale of Rs.1400-2600 and as such he will continue in the present scale of Rs.1200-1800 and it is stated that this action is illegal as qualification prescribed for the scale of Rs.1400-2600 for direct recruitment was not available as in the case of the applicant.

5. He further pleaded that on 19.12.1994 the Recruitment Rules for the post of LIA was promulgated and the method of recruitment was promotion failing which direct recruitment and qualification of Degree from a recognised university in Library Science was required only for direct recruitment whereas a Departmental



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Assistant Librarian holding the post of pay scale of Rs.1200-2040 holding the post for 9 years was eligible to be appointed as LIA, after this the applicant again made a representation.

6. However, in the year 1996 the respondents redesignated the applicant as LIA which, act they ought to have done in the year 1992 itself and because in the year 1992 the post of Library Assistant was not in existence so for these reasons the applicant pray that he should have been allowed the pay scale of Rs.1400-2600 from 1992 itself.

7. The respondents are contesting the OA. They admit that after the 4th Pay Commission review committee was constituted to undertake the study with regard to Library Staff vide OM dated 24.7.90 were replaced by the post of Library Information Assistant which is as under:-

S.No.	Designation	Existing pay scale	Revised pay scale	Remarks
1.	Library Information Assistant	1200-1800 1200-2040 1320-2040 1350-2200 1400-2300 1400-2600	1400-2600	Direct entry Graduate with Bachelor in Lib. Sc./ Promotional Gr. for Lib. Clerk".

8. It is further stated that vide order dated 24.7.90 it was also directed to place the existing library staff in the revised grade provided they fulfil the recruitment qualifications. In case the existing incumbent does not

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fulfil the prescribed qualifications, he would continue in the existing scale of pay on personal basis.

9. In pursuance of this restructuring, the designation and scales of staff was also revised vide order dated 24.11.1992 but therein also it was mentioned that in case " the existing incumbent does not fulfil the qualification as laid down in Annexure R-1, he will continue in the existing scale of pay on personal basis". He will be given in that scale as and when the posts fall vacant in the appropriate scales in accordance with the rules in existence. So it is stated that since the applicant did not possess qualification so he was to continue with his personal scale of pay of Rs.1200-2040 and it is also stated that right from 1980 to 1993 no clear vacancy existed during that period for promoting the applicant on regular basis in the grade of LIA.

10. It is further stated that by restructuring, the applicant was not automatically entitled to the pay scale of Rs.1400-2600 and he was entitled only if he possessed requisite qualification and it was stipulated in the orders that the applicant was to be continued in the existing scale on personal basis.

11. We have heard the learned counsel for the parties and gone through the records of the case.

12. The main contention of the learned counsel for the applicant is that the applicant was holding the post of Library Assistant and immediate next higher post is of

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Librarian for which, as per the RRs, there could be either a direct recruitment for person who had a degree of a recognised university and diploma in Libaray Science. But at the same time for promotees it was not essential to hold the degree and promotion on the basis of experience from feeder cadre to the post of Librarian. Even after the merger and after the introduction of the new rules of LIA, same conditions continue for the post of LIA in the scale of 1400-2600. The applicant pleads that since he was holding requisite qualification with regard to the length of experience, so he could have been given the pay scale of Rs.1400-2600 right from 1992 when this new restructuring came into force and he could not have been denied the pay scale of Rs.1400-2600.


13. On the contrary the counsel for the respondents pleaded that even as per the OM dated 24.7.90 and that of restructuring order issued after receiving sanction from the President it was categorically observed that if a person does not hold a qualification as laid down, he would continue in the existing scale on personal basis and it is the case of the applicant himself that he did not hold the qualification for promotion to the post of LIA meaning thereby that he was to continue in his personal scale or until or unless he was promoted to the post of Librarian and redesignated as LIA he was to continue in his old personal scale and he can get the new scale only on his promotion and since it is stated in the counter-affidavit that no clear cut vacancy was available for the applicant till the year 1993 so the applicant could not have been promoted as Librarian under the old

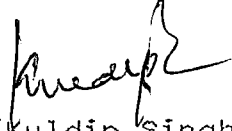
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rules to be restructured so he could not be placed as LIA
the the scale thus he would have continued in the old
scale in the scale of Library Assistant. 19

14. In view of the above submissions and on going
through the Office Memoranda dated 24.7.90 and 24.11.1992
we find that it has been categorically mentioned
particularly in respect of the applicant that since he
did not hold the prescribed qualification for holding the
post in the pay scale of Rs.1400-2600 he will continue in
the pay scale of 1200-1800 on personal basis meaning
thereby that neither he was given promotion then to the
post of Librarian in the scale of Rs.1400-2300 nor he
held the qualification for holding the post of LIA as it
was prescribed for the direct recruits so he could be
given the pay scale of Rs.1400-2600. Thus we do not find
any fault on the part of the respondents and as such the
OAS does not call for any interference.

15. In view of the above, nothing survives in the OA
and the same is dismissed. No costs.


(M.P Singh)
Member (A)


(Kuldip Singh)
Member (J)

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