

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.2470/98

New Delhi: this the 17th day of May, 1999.

(7)

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

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Central Revenues Chemical Service Association,
Central Revenue Control Laboratory,
Hill Side Road,
Pusa Campus,
New Delhi

2. B.N. Pandey,
Asstt. Chemical Examiner,
Central Revenue Control Laboratory,
Hill Side, Pusa Campus,
New Delhi.

3. Manoj Puri,
Chemical Assistant Grade I,
Central Revenues Control Laboratory,
Hill Side Road, Pusa Campus,
New Delhi.

4. S.K. Mittal,
Chemical Examiner Grade II,
Central Revenue Control Laboratory,
Hill Side Road, Pusa Campus,
New Delhi.

..... Applicants.

(By Advocate: Shri K.C. Mittal)

Versus

Union of India through
Secretary (Revenue),
Department of Revenue,
Ministry of Finance,
North Block,
New Delhi.

2. Chairman,
Central Board of Excise & Customs,
Ministry of Finance,
Department of Revenue,
North Block,
New Delhi.

3. Chief Chemist,
Central Revenue,
Central Revenues Control Laboratory,
Hill Side Road, Pusa Campus,
New Delhi.

4. The Secretary,
Ministry of Personnel, Public Grievances
& Pensions,
Department of Personnel,
North Block,
New Delhi.

5. Union Public Service Commission,
11, Dholpur House,
Shahjahan Road,
New Delhi through
its Chairman.

..... Respondents.

(By Advocate: Shri R.R.Bharti)

ORDER

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

Heard.

2. The question of granting the relief prayed for in para 8 of the OA would arise only if Govt. has finally accepted the recommendations of the 5th Pay Commission that posts of Asstt. Chemical Examiner and Chemical Examiner Grade I be filled 100% by promotion, after doing away with the element of direct recruitment for filling up these posts. Although applicants in para 4.5 of the OA have contended that these recommendations of the 5th Pay Commission have been accepted by Govt, this contention has been specifically denied by respondents in their reply as well as during hearing. Nothing has been shown by applicants to establish that these recommendations have been finally accepted by Govt. The letters of the Chief Chemist, Central Revenue to the CBEC dated 11.7.97 (Annexure-A4) and dated 9.3.98 (page 33 of OA) invite attention to the 5th Pay Commission's recommendations and the need for amending the RRs in order to implement the same, but this is by no means the final acceptance of these recommendations by Govt.

3. In this connection, respondents in their reply have categorically stated that no decision on these recommendations has been taken, and the matter is still under consideration, and the question of amending the RRs would arise only after it was decided to accept those recommendations.

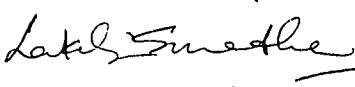
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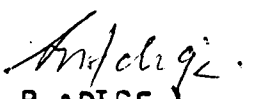
4. Applicants' counsel Shri Mittal has invited our attention to certain instructions extracted from the JOM Bulletin (Annexure-A3) but those instructions would be attracted only when a final decision on the 5th Pay Commission recommendations has been taken.

5. It would be beyond the jurisdiction of the Tribunal for us to issue any direction to respondents whether to accept the aforesaid recommendations of the Pay Commission or not. Respondents have correctly pointed out in para 4.5 of their reply that so long as the Commission's recommendations are not accepted and the existing recruitment rules are not amended, all recruitments and promotions to the service have to be regulated in accordance with the existing RRs.

6. As the granting of the reliefs prayed for in the OA would arise only if the 5th Pay Commission's recommendations regarding filling up of the posts of Asstt. Chemical Examiner and Chemical Examiner Gr. I have been finally accepted by Govt. and applicants have not been able to establish the same, we find ourselves unable to grant the reliefs prayed for.

7. The OA is dismissed. Interim orders are vacated. No costs.


(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)


(S. R. ADIGE)
VICE CHAIRMAN (A).