

(8)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2106/95

New Delhi, this 8th day of October, 1999

Hon'ble Shri A.V. Haridasan, VC(J)
Hon'ble Shri S.P. Biswas, Member(A)

Raj Pal
Head Despatch Rider
Central Telegraph Office, New Delhi .. Applicant
(By Shri K.B.S. Rajan, Advocate)

versus

Union of India, through

1. Chairman
Telecommunications
Sanchar Bhavan, New Delhi

2. Chief Superintendent
Central Telegraph Office
New Delhi

3. Chief General Manager, NIR,
Kidwai Bhavan, New Delhi .. Respondents

(By Shri R. P. Aggarwal, Advocate)

ORDER

Hon'ble Shri S.P. Biswas

Applicant, Head Despatch Rider (HDR, for short), under the respondent-Telegraph Department, is aggrieved by the rejection of his representation dated 22.8.94 by which his claim for granting supervisory pay scale of Rs.1400-2300 has been rejected. Consequently, the applicant has sought reliefs in terms of the following:

(i) Call for the records relating to the grant of "In Situ Promotion" to Despatch Riders(DRs, for short) in the grade of Rs.1200-1800; and

(ii) Declare that the post of HDR now carrying the pay of Rs.1150-1500 be revised to Rs.1400-2300.

1/2

2. Applicant seeks to justify the higher scale is as claimed aforesaid on the basis that ever since 1985 he has been performing supervisory duties over the DRs who are in the scale of Rs.1150-1500. Yet another plank of applicant's attack is that the Chief Superintendent (R-2) has already recommended grant of higher pay of Rs.1400-2300 vide details at Annexure A-VII and A-VIII which go to establish that the pay scale of HDR warrants upward revision. It is also the case of the applicant that the pay scale of DRs under In Situ promotion was revised to Rs.1200-1800 i.e. two stages higher than the previous one and on this basis there is justification for corresponding elevation of Rs.1150-1500 to Rs.1400-2300 on the principles of equal pay for equal work. As a supervisory official he has to ensure that the functions of the DRs do not get dislocated at any moment of time including on holidays. Applicant would also submit that beginning scale of supervisory official is Rs.1400-2300 and hence he has a legitimate claim to that scale. That apart, applicant would contend that since the scale of DRs is placed at Rs.1200-1800, the supervisory officials i.e. HDRs cannot be allowed to have a lower scale. The correct course of action for the respondents would have been to refix applicant's salary in the scale of Rs.1400-2300. As per the learned counsel, applicant's claim gets covered by the decision of this Tribunal in the case of N.Prabhakaran & nine ors. vs. UOI in OA 1169/91 decided on 10.8.93.

3. Respondents have opposed the claims on the basis that the Department does not require the post of HDR at the moment because the norms for sanction of HDR are on the basis that there has to be 8 to 10 DRs for the purpose of effecting supervisory responsibilities whereas the present Central Telegraph Office (CTO for short) has only 5 DRs. However,

keeping in view the stagnation being faced by the applicant, his scale was upgraded to Rs.1200-1800 with effect from 1.4.91 by order dated 27.3.96.


4. Shri R.P. Aggarwal, learned counsel for the respondents drew our attention to several provisions of the "In Situ" promotion Scheme introduced by the Government of India vide OM dated 21/23.10.92. He submitted that the applicant's claim for fixation of higher pay over and above the one granted in March, 1996 is in violation of the provisions under paras 2(i),(ii), (iii) and 5 of the "In Situ Promotion" scheme. The Scheme stipulates that the employees will get promotion in situ to the next higher scale available to them in the normal line/heirarchy of promotion. On this basis applicant has been offered higher grade of Rs.1200-1800 on 27.3.96 but with retrospective effect from 1.4.91.. The reliefs claimed by the applicant under the "In Situ Promotion" scheme stand provided to him already and he cannot reagitate the issue.

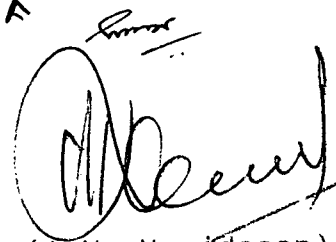
5. Heard the learned counsel for both parties and perused the records.

From Annexure R1 issued on 27.3.96 after the filing of this application it is seen that the applicant has also been placed in the higher scale of pay of Rs.1200-1800 with effect from the date on which his juniors were granted the in-situ promotion. Therefore, the grievance of the applicant that the Despatch Drivers who are subordinate to the applicant and are supervised by him are getting higher scale of pay has since been redressed. We, therefore, are of the view that no further grievance of the applicant remains for consideration. In the result, taking note of the order passed by the

A₂
:

respondents on 27.3.96 (Annexure-R1) as the grievance of the applicant has since been redressed by the respondents to the extent justified, we dispose of this application with a direction to the respondent to make available to the applicant the monetary benefit flowing from the Annexure R-1 order with effect from the due date ^(1.4.91) without any further delay. There is no order as to costs.


(S.P. Biswas)
Member(A)


(A.V. Haridasan)
Vice-Chairman(J)

/gtv/