

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No. 1160/96

199

T.A. No.

DATE OF DECISION: 3-2-2000

(2)

Sh. Praveen Kumar & Ors

....Petitioner

Sh. S. K. Gupta

....Advocate for the  
Petitioner(s)

VERSUS

UOI & Ors

....Respondent

Mrs. P. K. Gupta, learned counsel ....Advocate for the  
through proxy counsel Sh. Harvir Singh Respondents.

CORAM

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

The Hon'ble Shri M. P. Singh, Member (A)

1. To be referred to the Reporter or not Yes
2. Whether it needs to be circulated to other Benches of the Tribunal? No.

*Lakshmi Swaminathan*  
(Smt. Lakshmi Swaminathan)

Member (J)

*I agree*

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

OA 1160/96

New Delhi this the 3rd day of February, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)  
Hon'ble Shri M.P. Singh, Member (A)

1. Praveen Kumar  
S/O Sh. Lokesh Prasad,  
R/O D-413, Moti Bagh-1,  
New Delhi-21
2. R.D. Srivastava,  
S/O Late Sh. S.K.L. Srivastava,  
R/O C-150, A, Sector-20,  
NOIDA.
3. Anita Sharma  
D/O Sh. Dinesh Sharma,  
R/O 191, AGCR Enclave,  
I.P. Extension, Part-II,  
Delhi-92
4. Neelam Bhalla  
D/O Sh. V.K. Bhalla  
R/O B-27, Majlis Park,  
Delhi-33
5. K.P. Singh  
S/O Late Sh. Lakman Singh  
R/O L-168-A, Lajpat Nagar,  
Sahibabad (UP)
6. G.S. Sodhi,  
S/O Sh. Ishar Singh  
R/O Qtr. No. 701, Type-Z,  
Timarpur, Delhi  
( 1 to 6 working as SSA/STA in S.S.P.L.,  
Delhi.)
7. J.S. Inda,  
S/O Sh. Gurman Singh Inda,  
R/O P-146/2, Defence Laboratory  
Colony, Defence Lab, Jodhpur
8. S.S. Bhati,  
S/O Shri Hari Singh Bhati,  
R/O P-148/2, Defence Laboratory  
Colony, Jodhpur.
9. Mukesh Gaur  
S/O Sh. Indra Chand Ji  
R/O 4/1, Defence Lab Colony,  
Ratanada, Jodhpur
10. Sukhdev Parsad Bairwa  
S/O Shri Sheoji,  
R/O 14/34, Chopasni Housing Board,  
Nandanvan, Jodhpur
11. Anil Goyal  
S/O Shri O.P. Goyal  
R/O G-252, Shastri Nagar,  
Jodhpur.
12. Guman Ram,  
S/O Sh. Dala Ram,  
R/O 85, Indira Colony,  
Ratanada, Jodhpur.

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13. Smt. Saroj Mathur,  
W/O Sh.D.K.Mathur,  
✓ R/O 39/4, P.W.D. Colony,  
Jodhpur.

14. N.K.Madan,  
S/O Late Sh.N.D. Madan,  
R/O 11-B, Sanghi Ka Handa,  
High Court Colony, Jodhpur.

15. O.P.Kapoor,  
S/O Sh. D.R.Kapoor,  
R/O 102, Abhay Garh,  
Opp.K.V.No.1, A/F.

16. Kana Ram,  
S/O Sh.Bava Ramji  
R/O P-147/2, Defence Lab.  
Residential Complex, Jodhpur.

17. Madaram Peter,  
S/O Sh.Achala Ramji  
R/O 2-BH-4, Madhuban Colony,  
Bajani, Jodhpur.

18. Anil Kumar Kachhwaha  
S/O Shri Chatur Bhuj Kachwaha  
R/O Behind Raj Mahal,  
Middle Girl's School, Ajay Chowk,  
Jodhpur.

19. M.K.Mishra,  
S/O Shri L.P.Mishra,  
R/O 10/3, Defence Lab.,  
Jodhpur.

20. V.K.Chauhan,  
S/O Shri L.R.Chauhan,  
R/O Near Mahamandir Gate, Jodhpur.

21. K.C. Songara,  
S/O Sh.Amar Chand Songara,  
R/O H-91, Pratap Nagar,  
Jodhpur.

22. B.B.Purohit,  
S/O Sh.Ram Kishan Purohit  
R/O 5/32, Choparani Housing Board,  
Jodhpur working at Defence Lab,  
Jodhpur.

23. P.P.Sharma,  
S/O Late Shri R.D. Sharma,  
R/O C-12/1, Deal Colony,  
Raipur Road, DDUN, Dehradun.

24. Surendra Kumar  
S/O Late Shri S.P.Trivedi,  
R/O C-7/4, Deal Colony, Raipur Road,  
DDUN, Dehradun.

25. V.V.S. Panwar,  
S/O Shri R.S.Panwar,  
R/O 38, Mahant Road,  
DDUN, Dehradun.

26. G.P.Joshi,  
S/O Shri R.P.Joshi,  
R/O 56, Salawela, DDUN.

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27. M.V.Singh  
S/O Shri Puran Singh,  
R/O B-4/9, Vigyan Vihar, Raipur,  
Dehradun.

28. O.P.Pal,  
S/O Sh.Sant Ram Pal,  
R/O Post and Village Doiwala(Khath),  
Dehradun.

29. V.K.Dalakoti,  
S/O Shri K.N.Dalakoti,  
R/O 168/1, Nav Vihar Colony,  
Nai Basti Chukkuwal,  
Dehradun.

30. Rajiv Dubey,  
S/O Shri R.C.Dubey,  
R/O 36, Sewak Ashram Road,  
Dehradun.

31. Ravi Shankar,  
S/O Shri Ram Swaroop,  
R/O Near Tagore Niketan School,  
Raipur, Dehradun.

32. R.P.Kapur,  
S/O Late Shri V.P.Kapur,  
R/O Vigyan Vihar,  
I.R.D.E. Raipur, Dehradun.

33. Suresh Pal,  
S/O Sh. Chandrawal Singh,  
R/O 18, N.G.O.Hostel,  
Vigyan Vihar, Raipur, Dehradun

34. Satish Kumar  
S/O Shri Hukam Chand  
R/O 24/2, Nala Pani Road,  
Dehradun.

35 to 34 working in I.R.D.E. and D.E.A.L.,  
Dehradun.

35. Hardeep Kaur,  
W/O S.Sarabjeet Singh,  
R/O A 231-A, Mayur Vihar, Phase-II,  
Delhi-91

36. Naveen Kumar Sharma,  
S/O Sh.L.D.Sharma,  
R/O 32, B-8, Sector-3, Rohini,  
Delhi-85

37. Avijit Bose,  
S/O late Sh.A.P.Bose,  
DG-954, Sarojini Nagar, N/Delhi-23

38. Ajay Srivastava,  
S/O Sh.M.G.Srivastava,  
R/O D-412, Moti Bagh-1,  
New Delhi-21

35 to 38 working in S.A.G. Delhi.

39. B.D. Joshi,  
S/O Sh.D.D.Joshi,  
R/O Pocket F-255-D, Dilshad  
Garden, Delhi-95

40. B.L.Prasad,  
S/O Sh.Bachu Das,  
R/O 132, Sector-3, Shadik Ngr.

39-40 working in S.A.G., Delhi.

41. Ashok Kumar Uppal,  
S/O Sh.Krishan Lal,  
R/O H.No.249, Krishna Nagar,  
Jammu.

working in D.E.A.L. (Strength post of Jammu)

42. Narendra Singh Rana  
S/O Shri (Late) Ramji Lal Rana,  
R/O 55, Vinay Nagar, Bodla,  
Agra.

43. Devendra Pal Singh,  
S/O Shri Ram Singh Pal,  
R/O 8, MIG Sector-16,  
Sikandara, Agra.

44. J.C.Dutta,  
S/O Late Shri R.K.Dutta,  
R/O 62/8, ADRDE Colony, Agra Cantt.

45. R.N.Tiwari,  
S/O Late Shri Lalata pd.Tiwari,  
R/O 2/25, New Ashok Nagar,  
Agra.

46. Narain Singh  
S/O Shri Ramji Lal,  
R/O 38/5, Gopal Puri.

47. B.K.Mohan,  
S/O Shri K.N.Mohan,  
R/O Mustajab Quarters.

48. K.M.Dube,  
S/O Late Shri R.C. Dube  
R/O E/193, Shaheed Nagar,  
Agra.

49. Rajendra pd.,  
S/O Shri G.P.Goyal,  
R/O 60/1, Adrde Colony, Agra Cantt.

41 to 49 working in A.D.R.D.E. Agra Cantt.

50. Kishan Lal  
S/O Sh.Dayal Das,  
C-234, Birij Vihar  
Ghaziabad(UP)

working in C.E.E.S. Delhi.

.. Applicants

(By Advocate Shri S.K. Gupta )

Versus

1. Union of India  
through Secretary,  
Ministry of Defence,  
South Block, New Delhi.

2. Director General  
Defence Research & Development  
Organisation, Ministry of Defence,  
South Block, New Delhi.

.. Respondents

(By Advocate Mrs.P.K.Gupta, learned counsel  
through proxy counsel Sh.Harvir Singh )

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O R D E R (ORAL)

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

The applicants, fifty in number, are aggrieved by Annexure A-1 order passed by the respondents dated 29.12.1995. In this letter they have rejected the representations made by some of the applicants for grant of higher pay scales to Senior Scientific Assistants (SSAs) because according to them only 822 posts were sanctioned for grant of higher pay scale of Rs. 2375-3500 by the Govt. of India letter dated 11.11. 1998 and the said vacancies have already been filled.

2. The brief relevant facts of the case are that the Govt. of India referred to the question of grant of higher pay scale to SSAs to a Board of Arbitration which was agreed to by both the parties. This Board of Arbitration gave its Award by letter dated 12.8.85. One of the recommendations in the Award is as follows:-

"The demand of the staff side for the grant of pay scale of Rs. 840-1040 to Senior Scientific Assistants and Draftsmen working in the Research and Development Organisation and Directorate General of Inspection (Both in the Ministry of Defence) is accepted. This pay scale will be in addition to those which are already admissible to those categories in said two organisations."

(b) The proportion of posts to be allocated in the above mentioned new pay scale should broadly bear the same proportion as that obtaining at present in the foremen category vis a vis the highest grade of Assistant Foremen in the said organisations"

Annexure to Office Memo. dated 11.11.1988 has, inter alia, indicated the number of posts of Foremen to Assistant Foremen as 49% : 51%.

3. Shri S.K.Gupta, learned counsel for the applicants has submitted that the respondents after accepting the Award of the Board of Arbitration have only maintained 49% : 51% proportion for one year, namely, 1988 and thereafter this has been given <sup>as</sup> ~~go~~ by. This has, however been denied by the respondents in their reply in which they have stated as follows:-

" that the Board of Arbitration recommended a higher

scale of Rs 840-1040(PR) in addition to existing scales Rs.550-900(PR) to the number of posts in the ratio of foreman and Asstt Foreman as on the date of the award which was automatically determined as 49% to 51% ie 822 to 855 as on the date of implementation of the award ie as on 01 Jan., 1988.

that this was followed upto 25.8.95, annually." (1)

4. Learned counsel for the applicants has very fairly submitted that if the position as stated by the respondents quoted above has, in fact, been maintained, part of the grievance of the applicants is satisfied. However, he contends that if the respondents have not, in fact, maintained this proportion <sup>of 49%</sup> 49% : 51% as recommended by the Board of Arbitration which is binding on both the parties, then the respondents should have further considered giving the higher pay scale to such of the applicants who came within that proportion from time to time. His contention is that this has not been done.

5. A preliminary objection had been taken by the respondents that the OA is barred by limitation. In view of the Tribunal's order dated 3.10.1996, we note that ~~by this order~~ the plea of limitation raised has been overruled. In this order, it was directed that all promotions hereafter made shall be provisional and subject to the outcome of the OA which has been reiterated in the order dated 5.5.1998.

6. It is seen from Paragraph 8 of the OA that in addition to seeking a direction to the respondents to place the applicants in the higher pay scale as per the Award of Board of Arbitration and in particular to maintain 49% : 51% ratio between the posts, a further direction has also been sought to assess the case of promotions of the applicants to the posts of Technical Officer 'B' in the grade Rs. 2200-4000. Having regard to the provisions of Rule 10 of the CAT(Procedure) Rules, 1987 we find that the direction sought in para 8(iv) for promotion to Technical Officer 'B' is not directly arising from the main claims in the OA and hence this prayer is deleted. However, liberty is granted to the applicants to agitate

for

this matter in a separate OA, if so advised, subject to the aforesaid orders regarding promotion mentioned in orders dated 3.10.1996 and 5.5.1998. (B)

7. Noting the averments made by the respondents in their reply quoted in Paragraph 3 above, namely, that they have followed the recommendations of the Award upto 25.8.1995 when the Recruitment Rules - SRO 177 came into force, the prayer in paragraph 8(ii) has become infructuous. The respondents, however, shall consider such of the applicants who are eligible for being placed in the higher pay scale in the accepted proportions for subsequent years, within four months from the date of receipt of a copy of this order, if not already done. In the facts and circumstances of the case and having regard to the judgement of the Hon'ble Supreme Court in M.R.Gupta Vs. UOI (1995(5)Scale 29), we make it clear that the placement of any of the applicants in the higher pay scale shall only be done notionally and they will be entitled to consequential benefits like difference of pay and allowances w.e.f. two months from the date of filing of this OA i.e. from 1st August, 1996. The claim for interest is rejected.

8. O.A is disposed of as above. No order as to costs.

*W.M*  
(M.P.Singh )  
Member (A)

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

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