

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA NO.1443 OF 1996

New Delhi, this 19th day of May, 2000

HON'BLE SHRI JUSTICE V. RAJAGOPALA REDDY, VC(J)
HON'BLE SMT. SHANTA SHASTRY, MEMBER(A)

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B.K. Biswas
S/o Shri P.C. Biswas
R/o Flat No.14-A, DDA Flats
Kalkaji
New Delhi. ... Applicant

(By Advocate: Shri S.K. Bisaria)

versus

1. Union of India, through
Secretary
Ministry of Finance
New Delhi.
2. Chairman
Central Board of Direct Taxes
New Delhi.
3. Chief Commissioner
Income (Admn.)
Revenue Building
I.P. Estate
New Delhi. ... Respondents

(By Advocates: Shri V.P. Uppal)

Order (oral)

By Reddy, J.

The applicant was appointed as Programme Assistant in the office of the Chief Commissioner of Income Tax (Admn.), New Delhi, in the scale of Rs.1400-2300 on 23.11.1978. He was promoted to the post of Programmer by an order dated 16.6.1993 in the scale of Rs.1640-2900. By order dated 11.09.1989, the pay scales of Electronic Data Processing Posts were rationalised by the Electronics Department on the recommendation of IV Pay Commission suggesting Uniform Pay Scales and change of designation of posts. Accordingly,

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the Government of India decided to introduce the following pay structure :

Data Processing Assistants - Rs.1600-2660

Grade 'A'

(Entry Cadre)

Data Processing Assistant - Rs.2000-3200

Grade 'B'

2. The said decision was gradually introduced in all the Ministries/Departments and in 1994, it was implemented in the Income Tax Department. The applicant, further submits that for the post of Programmer in the grade of Rs.2200-4000, the feeder post is DPA - Gr 'B' and as he was promoted as Programmer, he was entitled for the same pay scale since the date of his promotion.

3. The learned counsel for the respondents however submits that the applicant is entitled to pay scale of Rs.1640-2900 only in view of the order dated 18.8.1994 by which restructuring of the cadre of Programme Assistants was made wherein it has been clearly stated that the Programme Assistants would continue in the pay scale of Rs.1640-2900. It is further submitted that the post of Programmer 'A' (Pay Scale of Rs.2200-4000) was a lone post available and as

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the post available and as the applicant was not conferred the status of Gr.'A', he was not entitled for the scale.

4. We have given careful considerations to the pleadings as well as the arguments advanced by the learned counsel on either side.

5. Though in 1989, the Govt. of India introduced the restructuring of posts, by order dated 18.08.1994, accepted it in the Income Tax Department and the posts of Programme Assistants and Console Operators were restructured in the following two grades:

(i) Data Processing Assistant Gr.'A' -
Group'C' post (Rs.1600-2660)

(ii) Data Processing Assistant Gr.'B'
Group'B' post (Rs.2000-3200)

6. The revised structure of pay of Data Processing Assistant Gr.'A' was made operative with effect from 11.9.1989. However, the existing Programme Assistants who were in the higher scale of Rs.1640-2900, were allowed to enjoy the said scale as personal to them till they were promoted to the post of Data Processing Assistant Gr.'B'. The applicant was drawing pay in the post of Programme Assistant only in the

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scale of Rs.1400-2300 from the date of his appointment in 1978. He was appointed as Programmer on promotion on 16.8.1993. His pay was however fixed at Rs.1640-2900. Though the restructure was made in 1994 in the Income Tax Department as the order itself has made it clear that the pay would come into effect with effect from 11.9.1989, the applicant was entitled for the scale of Rs.2000-3200 in the post of Data processing Assistant Gr.'B'. It is not, therefore, correct to contend that even after promotion to the post of Programmer, which is now redesignated as Data Processing Assistant Gr.'B' he would continue to get the scale of Rs.1640-2900. We do not find any basis in the claim of the respondents in rejecting the claim of the applicant which is based upon the order dated 18.8.1994.

5. We do not however, find any merit in the claim of the applicant for the ^{grant of} scale of Rs.2200-4000. It should be noticed that Programmer Grade A' no doubt carries the scale of Rs.2200 - 4000. but the applicant was not promoted to Programmer-A. The President of India is the appointing authority for the said post but ^{applicant} the ~~he~~ was appointed only by the Director.

6. The OA is, therefore, partly allowed. The respondents are directed to fix the scale of

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the applicant with effect from the date of his promotion as Programmer (DPA - Gr. B) on 16.6.1993, in the scale of Rs.2000-3200. The applicant will be entitled to all consequential benefits. This shall be ~~not~~^{be} carried out within a period of three months from the date of receipt of a copy of this order. No costs.

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(Mrs. Shanta Shastry)
Member(A)

V. Rajagopala Reddy

(V. Rajagopala Reddy)
Vice Chairman(J)

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