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Central Administrative Tribunal
Principal Bench: New Delhi

OA No. 2126/96

New Delhi this the 15th day of March, 2000

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. V.K. Majotra, Member (A)

1. Shri Balwant Singh
Overseer, L&DO Office,
Ministry of Urban Development
Nirman Bhavan, New Delhi.
2. Shri Chaman Lal
Overseer, L&DO Office,
Ministry of Urban Development
Nirman Bhavan, New Delhi.
3. Shri R.L. Singla
Overseer, L&DO Office,
Ministry of Urban Development
Nirman Bhavan, New Delhi.
4. Shri S.K. Arora
Overseer, L&DO Office,
Ministry of Urban Development
Nirman Bhavan, New Delhi.
5. Shri Arjun Singh
Overseer, L&DO Office,
Ministry of Urban Development
Nirman Bhavan, New Delhi.
6. Shri M.L. Manak
Overseer, L&DO Office,
Ministry of Urban Development
Nirman Bhavan, New Delhi.
7. Shri S.K. Malik
Overseer, L&DO Office,
Ministry of Urban Development
Nirman Bhavan, New Delhi.
8. Shri D.N. Khattar
Overseer, L&DO Office,
Ministry of Urban Development
Nirman Bhavan, New Delhi.

...Applicants

(Applicant present in person)

Versus

1. Union of India
through the Secretary
Ministry of Urban Development
Nirman Bhavan, New Delhi.
 2. L&DO Officer
L&DO Office
Ministry of Urban Development
Nirman BHavan, New Delhi.
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3. Ministry of Finance
through the Secretary
North Block, Rashtrapati Bhavan
New Delhi.

...Respondents

(By Advocate: Shri D.S. Jagotra
proxy for Shri K.R. Sachdeva)

ORDER (Oral)

By Mr. V.K. Majotra, Member (A)

Applicants have assailed Annexure A-1 dated 10.6.94 whereby respondents had rejected their representations dated 2.3.89 and 21.4.89 for extension of revised pay scales of Rs. 1640-60-2600-EB-75-2900 on the ground that the Ministry of Finance had not agreed to accede to their request and that the matter should be taken up with the 5th Pay Commission.

2. The applicants are Overseers working in the Land and Development Office under the Ministry of Urban Development. They have made representation for grant of pay scales to them as they were recommended in the case of Junior Engineers of the CPWD. They claim that the scales of other Engineering staff and the Draftsmen in the CPWD were changed and the same scales were made applicable to the Draftsmen in the L&DO office. According to them they are absolutely similarly placed with the J.E/S.O's in the CPWD having the same qualifications, same duties and same entry grades. Whereas on the basis of the recommendation of the 4th Pay Commission the pay scales of the JE/SOs in CPWD were revised and the same were made applicable as per orders dated 22.3.91, they were denied to the applicants. Prior to the 4th Pay Commission the applicants had the benefit of selection grade.

However, as a result of 4th Pay Commission the system of selection grade was abolished and the alternate arrangement of providing 50% posts in the scale of Rs. 1640-2900 was not implemented and a lower scale of Rs. 1400-2300 was arbitrarily given to the applicants. The pay scale of the applicants and the CPWD JE's was the same before the 4th Pay Commission. The two scales available to CPWD J.E's were also given to the applicants in the form of Selection Grade, which was abolished but no replacement scale was given. Thereafter the recommendation of the 4th Pay Commission was also superceded by the Ministry's order dated 22.3.91. This order provides time bound scales for the first five years, after entry into the scale of Rs. 1400-2300. After five years the scale becomes Rs. 1640-2900/- and after 15 years it is further up scaled to Rs. 2000-3200/-. The applicants alleged that whereas JE's in CPWD have received the benefits of the 4th Pay Commission for senior scale and the order of 22.3.91, ^{the same} has been denied to the applicants, even though, their departments are under the same Ministry. Applicants have sought quashing of Annexure A-1 dated 10.6.94 rejecting their representations dated 2.3.89 and 21.4.89 and sought that the benefit of the order dated 22.3.91 w.e.f. 1.1.86 be granted to them with all consequential benefits alongwith arrears.

3. Respondents have stated in their written statement that they had taken up the matter of granting the same pay scales as was recommended in the case of Junior Engineers of the CPWD to the applicants with Ministry of Finance through Ministry of Urban Affairs and Employment (Respondent No.1) who finally rejected

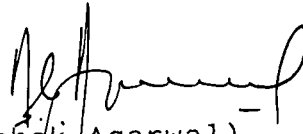
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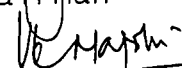
their request stating that the Government had already announced the setting^{up} of 5th Pay Commission which would consider the case of revision of pay scales of the applicants as well. However, the 5th Central Pay Commission did not consider the matter directing that the past cases may be settled by the concerned Administrative Ministry at their level as the 5th Central Pay Commission had no intention of re-opening past cases or in making any recommendation with respect to rectification of anomalies with retrospective effect. Respondents No.1 later on informed that in case the matter was not covered in the report of this 5th Central Pay Commission, the case would be taken up afresh.

4. From the facts of the case, it is established that upto the time the 4th Pay Commission was set up, the applicants were in the matter of pay scales equated with the Junior Engineers of the CPWD but after the recommendations of the 4th Pay Commission they were left behind the JE's of the CPWD. The qualifications and duties of the applicants and the J.Es of the CPWD are the same. Initially respondent No. 1 had not decided the issue thinking that the 5th Central Pay Commission would make recommendations on the subject. When it did not happen and on the ground that the past cases should be settled by the concerned Administrative Ministry at their level, the respondents cannot be allowed to fight shy of facing the problem and ^{not to be} decide the issue, as they had promised that if the 5th Central Pay Commission did not settle the issue it would be decided by them.

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5. In the light of the above reasons, it would be just and proper for the respondents to consider the matter of extension of the same pay scales as applicable to the Junior Engineers of CPWD to the applicants on the basis of the recommendation of the 4th Pay Commission and 5th Central Pay Commission. Respondents are directed to consider and decide the matter within a period of six months from the date of receipt of a copy of this order. No costs.


(Ashok Agarwal)
Chairman


(V.K. Majotra)
Member (A)

cc.