

9

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2428 of 1996

New Delhi, this 5th day of May, 2000

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastry, Member(A)

1. Abhimanyu Sahoo
S/o Late Laxmidhar Sahoo
R/o Qtr.No.L-3/84 Achariya Bihar
Bhubaneswar-751 013 (Orissa)
 2. Rama Kanta Misra
S/o Shri Laxmidhar Misra
R/o Vill:Jharapada Post:Jaginipur
Dist. Cuttack (Orissa)
 3. Shri T.C. Joshi
S/o Shri P.C. Joshi
R/o Qtr.No.1203 Sector-VIII
R.K.Puram, New Delhi-110022
 4. S. Nandi
S/o Late Shri N.C.Nandio
R/o Qtr.No.131, Sector-I, Sadiq Nagar
New Delhi-110049
 5. K.M. Tembhurney
S/o Shri Manohar Tembhurney
R/o H.No.237 Munirka Village
New Delhi-110067
 6. Smt. R. Lakshmi
W/o Shri S.M. Shekhar
R/o Qtr.No.840 Sector-IX
R.K. Puram, New Delhi-110022
 7. Smt. Bina Suri
S/o Shri Sekhar Suri
R/o J-124 Ashok Vihar Phase-I
New Delhi-110052
 8. N.K. Kaushik
S/o Shri Khajan Singh
R/o Qtr.No.Z-562, Timarpur
Delhi
 9. S.P. Meena
S/o Shri Taj Ram Meena
R/o A-824 Sangam Vihar
New Delhi
 10. Balam Ram
R/o C-44 Sector F Kapurthala
Aliganj, Lucknow
 11. Miss Aditi Ray
D/o Shri S.K.Ray
R/o 272 Lodhi Road
New Delhi-110003
- ... Applicants

(By Advocate:Shri S.S.Sabharwal)

C.A.

10

versus

1. Union of India, through the
Secretary to the Government of India
Ministry of Welfare
Shastri Bhavan
New Delhi-110001
 2. The Secretary to the
Government of India
Ministry of Finance
Department of Expenditure
(Implementation Cell)
North Block
New Delhi-110001. ... Respondents
- (By Advocates: Shri E.X. Joseph with
Shri R.P. Aggarwal)

Order (oral)

By Reddy, J.

The applicants are Senior Investigators in the joint cadre of the Ministry of Welfare, now redesignated as Ministry of Social Justice and Empowerment. On the recommendations of the IVth Pay Commission, the pay scale of the applicants was revised to Rs.1640-2900 from Rs.550-900. The pay scales of the Assistants/Stenographers Gr.C who were in the lesser pay scales (PRS), were revised to Rs.1400-2600 from Rs.425-800. On an OA (No.1538/87) filed by Central Secretariat Service Direct Recruit Assistants Association against Union of India, by order dated 23.5.1987, The Tribunal directed that the grievance of the Assistants should be considered by an Anomaly Committee and appropriate orders be passed. Accordingly, the Anomaly Committee recommended the revised the pay scale of Rs.1640-2900 to the Assistants/Stenographers Group 'C' and the recommendations have been accepted by the

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Government. The grievance of the applicants is that though the Assistants/Stenographers Grade 'C' were drawing lesser pay scale (PRS) than the applicants, now they are given the pay scale in parity with the applicants, they request that their pay scale should be revised further. The main grievance of the applicants is that only 12 posts of Investigators have been upgraded in the Ministry of Finance and given the pay scale of Rs.2000-3200. All the posts be upgraded and pay scale of Rs.2000-3200 should be allowed.

3. The learned counsel for the respondents contends that the pay scales of the Assistants/Stenographers Grade 'C' in the Central Secretariat were revised to Rs.1640-2900 only on the basis of the directions given by the Tribunal and the Anomaly Committee recommendations. It is also stated that the duties and responsibilities of the Assistants are entirely higher and more than that of the applicants, hence the applicants are not entitled to the pay scale prayed for. Only certain posts were upgraded as per the requirements of the department and that the applicants have no right for upgradation of all posts.

4. As seen supra, the pay scale of Rs.1640-2900 have been granted to Assistants Grade-C only on the ground that the OA^{was} filed by

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12

them and on the basis of the directions given by the Tribunal. Further upgraded scale of Rs.2000-3500 is given only to the Senior investigators in the Department of Finance only that to the posts upgraded which was done strictly on functional requirements. The contention that the applicants' posts should also be upgraded, is not tenable. It is not for us to decide the number of posts to be upgraded. Upgradation is made strictly in accordance with the requirements of the Department. It is now stated that on the 5th Pay Commission's recommendations, the applicants' pay scale is now revised even higher than the Assistants/Stenographers 'C' in the Central Secretariat.

5. It also appears that this case is barred by limitation. The Assistants were given the higher pay scales in 1990 and hence they are aggrieved by it they should have filed a representation expressing their grievance. They should have filed the OA within the period of limitation from the expiry of six months, if no response was received by the said date. The OA filed in 1996 is therefore hit by Section 21 of the Administrative Tribunals Act.

6. Law is also well settled that the Tribunal will not enter into the domain of fixing

Law

or revising pay scales. It is for the expert bodies to decide as to the parity and structure of pay scales assessing the functions and responsibilities of an employee of the concerned departments.

7. The OA therefore fails and is accordingly dismissed. No costs.

Shanta
(Mrs. Shanta Shastry)
Member(A)

V. Rajagopala Reddy
(V. Rajagopala Reddy)
Vice Chairman(J)

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