

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

UA No.2629/96

NEW Delhi, this 3rd day of May, 2000

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

Mrs. M.R.Rajeswari
261, Devli
New Delhi

... Applicant

(By Shri A.K.Tirivedi, Advocate)

versus

Union of India, through

1. Secretary
Ministry of Home Affairs
North Block, New Delhi

2. Director General
Central Industrial Security Force
Block 13, CGO Complex
New Delhi

... Respondents

(By Shri D.S.Mehandru, Advocate)

[A]

ORDER(oral)

By Reddy, J. -

Heard the learned counsel for the applicant. Shri D.S.Mehandru, learned counsel for the respondents submit that the file in this case has not been entrusted to him so far. As this is a matter of 1996 and it is clearly mentioned in the cause list that no adjournment would be granted, for the regular matters, we proceed to dispose of the case on merits on hearing the learned counsel for the applicant and on the available pleadings.

2. The applicant has been appointd as Draughtsman (UM, for short) in the office of Central Industrial Security Force (CISF, for short) by order dated 24.1.89 in the pre-revised scale Rs.1200-2040. A decision was taken on UM dated 13.3.84 for extending the revised pay scale of UM Gr. II from Rs.330-560 to RPS.425-700, which was



allowed to the DM Gr.II in CPWD, on the basis of arbitration award. It was stated that the pay scale of DM Gr.II in all offices of Government of India may be revised provided their recruitment qualifications are similar to those of DM Gr.II of CPWD. The pay scale of other Groups I and III are suitably revised.

3. Learned counsel for the applicant submits that the applicant possesses similar qualifications as that of DM of CPWD and therefore she is entitled to the revised scale of Rs.425-700 (later on revised to Rs.1400-2300).

4. In the counter affidavit, it is stated that applicant is entitled for revised scale of Rs.425-700 only w.e.f. 23.1.94 as she has fulfilled the minimum requirement for placement in the scale of Rs.1400-2300 on completion of 5 years service. It has been stated that accordingly she has been placed in that scale by order dated 27.9.95 in pursuance of Govt. of India order dated 19.10.94.

5. We have given due consideration to the pleadings and the arguments advanced by the learned counsel for the applicant. A perusal of the order dated 13.3.84 makes it abundantly clear that DM Grade I, II and III in all the offices of Govt. of India are entitled to the benefit of revised pay scales as were extended to DM in CPWD, provided the recruitment qualifications are similar to that in the case of DM in CPWD. It is also made clear that those who do not fulfil the qualification should continue in the pre-revised scale. It is the case of the applicant that DM Gr.II in CISF are having similar qualifications to those of DM Gr.II

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in CPWD. Though the applicant was appointed in 1989 as DM Gr.II she was given pay scale of Rs.630-560 (pre-revised) and Rs.1200-2040 in the revised scale.

6. Thus it is clear that in the case of the applicant she was not given the benefit of order dated 16.5.84.

The only reason given in the counter was that as per UM dated 19.10.94 the minimum condition for Grade II fixed for entitlement of the revised scale was 5 years in the scale of Rs.1200-2040 and that applicant completed 5 years only on 26.1.94. A close look of the order of 1994 reveals that DM Gr.I, II and III in all the Government of India offices other than CPWD are also to be placed in the revised scale as enumerated therein. 'irrespective' whether the DM possess similar qualification to that of DM in CPWD provided they fulfil the conditions stipulated in the UM of 1994. This UM, therefore appears to be a modified decision, where certain conditions of length of service were stipulated, irrespective of the qualifications.

7. It is now argued by the learned counsel for the applicant that as the applicant has 3-year Diploma in Civil Engineering, qualifications higher to the DM Gr.II in CPWD, she is entitled to the benefit of revised scale with effect from 1.11.83 (as per 1984 order). However in the counter affidavit it is stated that the applicant does not possess qualification similar to that of DM Gr.II in CPWD. We do not have sufficient material to decide on this point.

Yours

8. In the circumstances, we direct Respondent No.2 to consider the case of the applicant for extending the benefit of revised pay of Rs.425/-00 depending upon the qualification that the applicant has possessed. If that is similar to that of DM Gr.II in CPWD, she shall also be entitled for the same benefit of higher scale with effect from 1-11-83.

9. However, as the UA is filed in 1996 after the period of limitation under sections 21 of Administrative Tribunals Act, the applicant is not entitled for arrears of pay though she is entitled for fixation of the pay as per the revised scale, nationally, based on the instructions contained in OM dated 13.3.84, w.e.f. 1-11-83. She is entitled for arrears only with effect from one year prior to the date of filing of the UA (17.12.96). Respondents shall complete this exercise within a period of three months from the date of receipt of a copy of this order.

10. The UA is accordingly disposed. No costs.

Shanta

(Smt. Shanta Shastray)
Member(A)

Ch. Rajagopal Reddy

(V.Rajagopal Reddy)
Vice-Chairman(J)

/gtv/