

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.793/96
M.A.No.827/96

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Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 25th day of January, 2000

1. Khem Chandra
s/o Sh. Doongar Singh
aged 41 years
r;Wo 421-E, Gali No.5
East Bakarpur
Shahdara
Delhi - 32.
2. Keshavchandra Gogna
s/o Shri R.C.Gogna
aged 39 years
r/o Qr. No.D-42, East Uttam Nagar
New Delhi - 110 059.
3. Ravindra Kumar
s/o late Sh. Bhikri Ram
aged 34 years
r/o B-282, Sector-I
Avantika, Rohini
New Delhi - 110 085.
4. V.Kuppa Muthu
s/o Shri M.Villiyappa Pillai
aged about 55 years
r/o Qr. No.657, Sector-8
R.K.Puram
New Delhi - 110 022.
5. Ashok Kumar Tyagi
s/o Inderjeet Tyagi
aged about 41 years
r/o C-24, Karampura
New Delhi - 110 015.
6. V.K.Chopra
s/o Shri T.R.Chopra
aged about 46 years
r/o I-111, D.D.A. Flats,
Naraina Vihar
Naraina
New Delhi - 110 028.
7. N.Kumar
s/o Shri N.R.Bhola
aged about 37 years
r/o 55 DDA Flats
Vikas Puri
New Delhi - 110 018.
8. Ameer Chand Bajaj
s/o Shri M.L.Bajaj
aged about 35 years
r/o DIPAS
Delhi - 110 054.

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9. D.V.Tandel
s/o Shri V.D.Tandel
aged 50 years
r/o 32-B, Pocket JB, G-8 Area
Rajouri Garden
New Delhi - 110 064.
10. Ms. Bina Butani
d/o Shri N.U.Butani
aged 40 years
r/o b/281, Sunder Vihar
New Delhi - 110 041.
11. M.L.Sharma
s/o Shri Babu Ram Sharma
aged 43 years
r/o 36/A Molarband Extn. Gali No.5
Badarpur
New Delhi - 110 044.
12. Lalan Thakur
s/o Shri Jag Deo Thakur,
aged 37 years
r/o E-513, Kidwai Nagar
New Delhi - 110 023.
13. O.S.Tomer
s/o Shri Kali Ram
aged 40 years
RZ-125A, Kailashpuri Extn.
New Delhi - 110 045.
14. Gulab Singh
s/o Shri Moti Ram
aged 41 years
C-45, Mangolpuri
Delhi - 110 009.
15. Karanpal
s/o Shri Kishan Lal
aged 37 years
r/o 48-A, Katwaria Sarai
Gutub Road
New Delhi - 110 017.
16. Harish Kumar
s/o Shri Surenderpal
aged 36 years
r/o 803/7, Govindpuri
Kalkaji
New Delhi.
17. S.N.Pramanik
s/o Late U.C.Pramanik
aged 47 years
F-22, Dayalpur Extn.
Krawal Nagar Road
Delhi - 110 094.
18. Alok Bhatnagar
s/o late Sh. J.Bhatnagar
aged 43 years
r/o 96/11, Pushp Vihar-I
M.B.Road
New Delhi - 110 017.

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19. S.K.S.Chauhan
s/o late Sh. Gopal Singh Chauhan
aged 44 years
r/o E2/102, Shastri Nagar
Delhi - 110 052.

.. Applicants

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(None)

Vs.

1. Union of India through
The Secretary
Ministry of Defence
Govt. of India
South Block
New Delhi - 110 001.
2. The Director General
Research & Development
DRDO Mini. of Defence
South Block
New Delhi - 110 001.
3. The Director
DIPAS
DRDO, Min. of Defence
Timarpur
Delhi - 110 054.

... Respondents

(By Shri R.P.Aggarwal, Advocate)

O R D E R (Oral)

By Ashok Agarwal, J.:

MA 827/96 for joining together is allowed.

2. Though the case was called for hearing twice, neither the applicant nor his advocate was present. Having regard to the fact that the OA is of 1996, the same is taken up for hearing in the absence of the applicant or his counsel under Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

3. Heard the learned counsel for the respondents. The applicants are working as Senior Scientific Assistants in different laboratories under the Defence Research & Development Organisation. Since the dispute had arisen in relation to the pay

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scales of Senior Scientific Assistants and a parity was sought with the pay scale of Foreman, the same referred to the Board of Arbitration which was set up by the Government of India. The Board of Arbitration gave its award as under:

"(a) The demand of the staff side for the grant of pay scale of Rs.840-1040 to Senior Scientific Assistants and Draftsman working in the Research & 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.

(c) The demand for introduction of scale of pay of Rs.840-1040 in respect of the draftsman working in other organisations of the Ministry of Defence is rejected.

The demand of the Staff Side for the introduction of a new pay scale of Rs.700-900 to be made available to Storekeeping staff employed in all the Directorate of the Ministry of Defence (Wherever not available at present) is accepted. The proportion of posts in this new scale of pay shall be 20% of the posts in the next lower grade.

The demand of the Staff Side for the introduction of pay scale of Rs.380-560 as Grade I for Civil Motor Drivers working in the various Directorates of the Ministry of Defence accepted. This will be treated as a Selection Grade and 20% of the posts of drivers in the scale of Rs.320-400 will be placed in the grade of Rs.380-560.

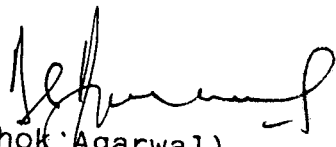
This Award will come into operation w.e.f. 22nd September, 1982."

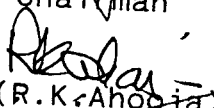
4. Though the Board of Arbitration recommended the implementation of their recommendations w.e.f. 22.9.1982, the Government of India implemented the same w.e.f. 1.1.1988. 51% of the Senior Scientific Assistants were accordingly granted higher pay scale payable to Foremen. The applicants, who are found in the rest of the Senior Scientific Assistants, by the present OA, claim parity

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with pay scales which are now being paid to the aforesaid 51% of the Senior Scientific Assistants. The question raised is no longer res integra. The same has been a subject matter of decision in a number of OAs decided by this Tribunal. The copies of the Judgements rendered have been annexed at R-1, R-2 and R-3 of the counter. Those judgements have upheld the decision of the Government of India which was based on the Award of the Board of Arbitration. Whereas the decision of the Board of Arbitration, as affirmed by the Government of India after obtaining the approval of the Parliament, is binding, hence no fault could be found with the scheme in question.

5. In view of the decisions already rendered by this Tribunal, we find that the present CA is devoid of merit and the same is accordingly dismissed. There shall be no order as to costs.


(Ashok Agarwal)
Chairman


(R.K. Ahuja)
Member (A)

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