

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 197/1997
M.A. NO. 243/1997

This the 12th day of September, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

1. Central Secretariat Service
Section Officers' Association
through its General Secretary,
Memzanine Floor, Sanchar Bhawan,
New Delhi-110001.
2. G.S.Matharoo S/O Piara Singh,
B-76 Pandara Road,
New Delhi.
3. Rajiva Kumar S/O A.G.Saxena,
1258 Laxmibai Nagar,
New Delhi-110023. ... Applicants

(By Shri K.K.Rai, Advocate)

-versus-

1. Union of India through
Secretary, Ministry of Personnel,
Public Grievances & Pension,
North Block, New Delhi.
2. Ministry of Finance
through its Secretary (Expenditure),
Department of Expenditure,
North Block, New Delhi-110001. ... Respondents

(By Shri K.C.D.Gangwani, Advocate)

O R D E R (ORAL)

Hon'ble Shri V.K.Majotra, Member (A) :

Whereas applicant No.1 is the representative association of the Central Secretariat Service authorised to prosecute this case through its general secretary Shri D.P.S.Rajesh, applicant Nos. 2 and 3 themselves are aggrieved parties. They are section officers in the Ministry of Home Affairs and the Department of Agriculture and Cooperation respectively.

V.K. Majotra

2. It is stated that the Second Central Pay Commission (CPC) merged the two grades of section officers. The merged scale was Rs.350-900. This was upgraded to Rs.650-1200 by the Third CPC. The Fourth CPC recommended a scale of Rs.2000-3500 for section officers. It recommended a scale of Rs.1400-2600 for assistants. It is contended that not only a section officer supervises work of four to five assistants, his duties and responsibilities are also heavier and superior than those of assistants. However, the Fourth CPC reduced the differential between the scales of pay of assistants and section officers despite marked difference in the duties and responsibilities of the two categories. On the basis of a judgment of this Tribunal in OA No.1587/1987, the pay scale of assistants was revised to Rs.1640-2900 in 1990 with retrospective effect from 1.1.1986 vide OM dated 31.7.1990 (Annexure A-2), which is alleged to have caused serious erosion in the relativity between the scales of pay of section officers and assistants. The applicants have pointed out that the rate of increments in both the scales have now become the same. Earlier on the ratio of these two scales used to be 1:2.5 after the Second CPC, 1:2 after the Third CPC, and 2:3 after the Fourth CPC. Whereas earlier on an assistant used to take 15-16 years to reach the minimum of the scale of section officer, now he takes only a period of six years to reach the minimum of the aforesaid scale. This advantageous position in the matter of pay scale has been accorded to assistants despite the fact that functional difference between the two categories has remained the same.

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3. According to the applicants though the respondents had agreed to refer the matter to the Fifth CPC recognising the anomaly in the pay scale of section officers, the Fifth CPC did not consider the matter while recommending the pay scale for section officers. The applicants have sought direction to the respondents to revise the pay scale of section officers to Rs.2300-3700 w.e.f. 1.1.1986 with consequential benefits from 1.1.1986.

4. In their counter reply, the respondents have stated that consequent upon the revision of pay scale of assistants to Rs.1640-2900 a demand was raised in the Departmental Council of the Department of Personnel & Training set up under the scheme of Joint Consultative Machinery (JCM) and Compulsory Arbitration for revising the pay scale of section officers to Rs.2300-3700 to maintain internal relativity vis-a-vis the revised pay scale of assistants. According to the respondents, they had pointed out that the rate of annual increment in the revised scale of assistants and that of section officers had become identical; that the stage of Efficiency Bar in the scale of section officers comes at an earlier stage, i.e., at Rs.2300, than that in the assistants grade, i.e., Rs.2600; and that by the time an assistant completes eight years in the pay scale, he reaches the basic pay of Rs.2120 which is two incremental stages higher than the minimum of the pay scale of section officers. According to the respondents, since no formal disagreement on the demand of section officers had been recorded and since the Fifth CPC had been constituted in

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April, 1994, the demand was referred to the fifth CPC on 21.12.1994 and not referred to the Board of Arbitration. The Fifth CPC considered the demand for grant of Group 'A' status with pay scale of Rs.2200-4000 for section officers of Central Secretariat Service and for grant of pay scale of Rs.2000-3200 for assistants and made recommendations not considering the demand of section officers for revising their pay scale to Rs.2300-3700.

5. Applicants have filed a rejoinder as well.

6. We have heard the learned counsel on both sides and considered the material on record. The learned counsel for the applicants drew our attention to order dated 17.11.1993 in CP No.371/1993 in OA No.2083/1992 in which both sides had agreed with the report of the Bandopadhyaya committee wherein it was stated that it would not be possible for the committee to make any recommendations which would be at variance with the recommendations made by the Fourth CPC and accordingly it was suggested that the matter be placed in its proper perspective before the next Pay Commission. A decision had accordingly been taken to place the grievance of the section officers of the CSS before the next CPC. The contempt proceedings in the light of this position were dropped. He further drew our attention to Annexure A-5 letter dated 17.1.1996 which is a communication from Member Secretary, Fifth CPC to the Government of India clarifying that the Pay Commission did not have any intention of reopening past cases. The learned counsel contended that obviously the Fifth CPC did not consider

the demand of the applicants for grant of superior scale w.e.f. 1.1.1986. The learned counsel maintained that since the Fifth CPC did not look into the past anomalies and recommended a scale for section officers which further eroded the relativity between the scales of pay of section officers and assistants, thus, more than ever, there is a need for looking into the demand of section officers for upscaling their pay scale vis-a-vis the pay scale of assistants w.e.f. 1.1.1986. The learned counsel brought to our notice that the Central Government have constituted a committee of senior officers headed by Shri P.K.Barhma, Additional Secretary (Pension), DOP&T, to look into the restructuring of the Central Secretariat Service. This committee is also supposed to look into the demands of the Central Secretariat Service Forum in regard to the anomalies relating to the recommendations of the Fifth CPC. The learned counsel submitted that if the demand of the applicants is referred for consideration to this committee, they would feel satisfied.


7. On the other hand, Shri Gangwani, the learned counsel appearing for the respondents, stated that though earlier on the demand for revision of pay scale of section officers to Rs.2300-3700 w.e.f. 1.1.1986 had been raised in the Departmental Council and pursued further by the Staff Side under the provisions of JCM, the matter could not be put up before the Cabinet for recording disagreement as the issue was being referred to the Fifth CPC which did not accept the demand. However, the demand can again be agitated under the provisions of

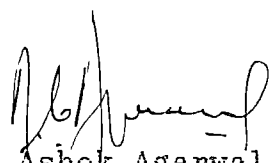
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JCM and in case of disagreement, the matter can be resolved by arbitration.

8. In view of the fact that the matters relating to restructuring of the Central Secretariat Service as well as anomalies relating to the pay scales have been referred by the government to Brahma committee, instead of resolution of the issue before us through the agency of JCM, in our considered view, it would be appropriate to refer the demand of section officers relating to grant of the pay scale of Rs.2300-3700 w.e.f. 1.1.1986 also to the same committee, as this committee is already seized. *h* of various related issues. The applicants shall make a representation relating to their demand for pay scale from 1.1.1986 and submit a copy of the present OA to the chairman of the aforesaid committee within a period of one month from communication of these orders, for consideration. The committee may also grant personal hearing to an authorised representative of the applicants as also the respondents.

9. The OA is disposed of in the above terms. No costs.


(V.K. Majotra)
Member(A)


(Ashok Agarwal)
Chairman

/as/