

Central Administrative Tribunal, Principal Bench
Original Applications Nos.1003,1004,1005 & 1007 of 2000

New Delhi, this the 8th day of November, 2000

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. S.A.T. Rizvi, Member (Admnv)

(1) Original Applications No. 1003 of 2000

Shri Ram Kumar S/o Shri Kashmir Singh,
Working as Radio Technician In the office
of the Directorate of Coordination,
Police Wireless, Ministry of Home
Affairs, Government of India And
Residing at F-3, Police Wireless Quarters
Near Taxi Stand, Humayun Tomb, Nizamuddin
East, New Delhi-110013.

(By Advocate Shri V. Shekhar)

-Applicant.

Versus

1. Union of India Through Secretary,
Ministry of Home Affairs, North Block,
New Delhi-110001.

2. Directorate of Coordination, Police
Wireless Through its Director, Block
No.9, C.G.O. Complex, Lodhi Road, New
Delhi-110003.

(By Advocate Shri J.B. Mudgil)

-Respondents

(2) Original Applications No. 1004 of 2000

Shri N.K. Gupta, S/o Shri Inderjit
Gupta, Working as Radio Technician In the
office of the Directorate of
Coordination, Police Wireless Ministry of
Home Affairs, Government of India And
Residing at P-14, Krishan Vihar,
Kanjhawla Road, Delhi-110041.

(By Advocate Shri V. Shekhar)

-Applicant

Versus

1. Union of India Through Secretary,
Ministry of Home Affairs, North Block,
New Delhi-110001.

2. Directorate of Coordination, Police
Wireless Through its Director, Block
No.9, C.G.O. Complex, Lodhi Road, New
Delhi-110003.

(By Advocate Shri J.B. Mudgil)

-Respondents

(3) Original Applications No. 1005 of 2000

Shri V.T. Undirwade, S/o Tarachanji
Undirwade, Working as Radio Technician In
the office of the Directorate of
Coordination, Police Wireless Ministry of
Home Affairs, Government of India And
Residing at 178-M/21A, Ward No. II Gadwali
Colony, Mehrauli, New Delhi-110030.

(By Advocate Shri V. Shekhar)

-Applicant

Versus

1. Union of India Through Secretary,
Ministry of Home Affairs, North Block,
New Delhi-110001.

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2. Directorate of Coordination, Police
Wireless Through its Director, Block
No.9, C.G.O. Complex, Lodhi Road, New
Delhi-110003. -Respondents

(By Advocate Shri J.B.Mudgil)

(4)Original Applications No.1007 of 2000

Shri M.K. Pachar S/o Shri Ram Swaroop
Working as Radio Technician in the office of
the Directorate of Coordination, Police
Wireless, Ministry of Home Affairs,
Government of India And Residing At
RZ-101/34, Gali No.6 Mohan Nagar, Panka
Raod, New Delhi-110046. - Applicant

(By Advocate Shri V.Shekhar)

Versus

1. Union of India Through Secretary,
Ministry of Home Affairs, North Block,
New Delhi-110001.
2. Directorate of Coordination, Police
Wireless Through its Director, Block
No.9, C.G.O. Complex, Lodhi Road, New
Delhi-110003. -Respondents

(By Advocate Shri J.B.Mudgil)

Common Order (Oral)

By S.A.T.Rizjvi, Member(Admnv) -

Applicant in OA 1003/2000 is a Diploma Holder
Radio Technician working in respondent no.2's
establishment. The applicants in the other OAs, namely,
OAs 1004, 1005 & 1007 of 2000 also happen to be Diploma
Holder Radio Technicians in the same organisation.
Their grievance is identical. All these OAs are,
therefore, clubbed and this common order is passed.

2. The grievance is that various Pay Commissions
right upto Fourth Pay Commission maintained a
distinction between Diploma Holder Radio Technicians and
Non-Diploma Holder Radio Technicians and granted
different pay scales to them. According to the
respondents the said distinction has been wiped out with
the result that both the categories of Radio Technicians
have been granted the same revised pay scale of
Rs.5000-8000 by the Fifth Pay Commission. The

a.

applicants' contention is that it would be incorrect to say that the distinction in question has been wiped out by the Fifth Pay Commission. He has read out from the Fifth Pay Commission's report, paras 50.23 and 50.24 of which are relevant. These paragraphs are reproduced below:-

"50.23 We have carefully considered the demands of the Federation and the view of the Administrative Ministries/ Departments in the light of our general approach on the pay scales of different professional/ technical groups of staff and existing relativities between technical and non-technical categories. We have, as a general rule, decided to improve the initial recruitment pay scale of diploma engineers in Government. We accordingly, recommended following pay structure for engineering subordinate cadres:-

Existing (Rs.)	Proposed(in present Terms) (Rs.)
1400-2300	1600-2660
1600-2660*	1640-2900
1640-2900*	1640-2900
2000-3200*	2000-3500
2000-3500	2000-3500
2375-3500	2375-3750
2375-3750	2500-4000

*some of these are graduates in engineering, others are diploma holders;

50.24 These pay scales will apply mutatis mutandis for diploma engineers in different cadres depending upon the availability of specific existing pay scales. We have also recommended specific pay structure for different engineering cadres.

It would be seen that the recommendations made in paragraph 50.23 relates to the persons working in all the Administrative Ministries/ Departments and in the light of the Commission's general approach they have revised the pay scales of Diploma Holders from Rs.1400-2300 to Rs.1600-2660. In Para 50.24 the Commission has specifically mentioned that the aforesaid scale will apply mutatis mutandis to diploma engineers in different cadres.

3. The learned counsel for the applicants has drawn our attention to Para 70.107 of the Pay Commission's recommendations which deals with the respondents' establishment in which the applicants are working. It is seen from these recommendations that the

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Commission has not been able to focus attention on Diploma Holder Engineers while making recommendations in respect of the respondent-establishment. The learned counsel of the respondents contends that the claim of the applicants should be examined with reference to the 1st Schedule Part 'A' attached to the recommendations of the Fifth Pay Commission. This schedule happens to be ~~the~~ running statement of existing pay scales merged to provide for revised pay scales as a general rule. This do not relate to specific jobs and services as such and are, therefore, not relevant for our purpose.

4. We are, therefore, left to consider what the Commission has said in Paras 50.23 and 50.24. As already stated, the Commission made clear provisions for grant of the pay scale of Rs.5000-8000 (Pre-revised Rs.1600-2660) to Diploma Holder Engineers across the board.

5. In the result, the OAs succeed and the respondents are directed to ² ~~consider~~ ^a granting ~~the~~ the Diploma Holder Radio Technicians the revised pay scale of Rs.5000-8000 with effect from 1.1.1996 with all consequential benefits. The respondents are required to comply with these directions within a period of two months from the date of receipt of a copy of this order. No costs.

(Ashok Agarwal)
Chairman

(S.A.T.Rizvi)
Member (Admnv)

rkv

Attested
Sharma
CO. CP