

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)

Q2

(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.

Q2

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  
Road, 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. Biziivi, 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

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

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 <sup>a</sup> 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 <sup>a</sup> consider grant ~~to~~ 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.

X/  
(Ashok Agarwal)  
Chairman

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

rkv

Attested  
Aslam  
C.O.C.