

CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH

OA.No.20 of 2000

New Delhi, this 29th day of November 2000

HON'BLE SHRI KULDIP SINGH, MEMBER(J)
HON'BLE SHRI M.P. SINGH, MEMBER(A)

B. Venkataswamy
S/o Late Shri Chandrayya
R/o B-3/172 Sector 34, Aravali
Noida (U.P.)
(By Advocate: Shri M.L. Chawla with
Shri S.M. Lakhapal) ... Applicant

versus

1. Union of India
(Through the Secretary to the
Govt. of India
Ministry of Surface Transport
Transport Bhawan, Sansad Marg
New Delhi-110001.

2. The Director General
Directorate General of Lighthouses
& Lightships
Ministry of Surface Transport
Government of India
Deep Bhawan, A-13 Tulsi Marg
Sector 24 Noida - 201301

... Respondents

(By Advocate: Shri Gajendra Giri)

ORDER(Oral)

Hon'ble Shri Kuldip Singh, M(J)

The applicant in this case challenges the order passed by respondent no.2 whereby he has been placed in the pay scale of Rs.2750-4400.

2. The grievance of the applicant is that he has been wrongly placed in the lower pay scale of Rs.2750-4400 corresponding to pre-revised pay scale of Rs.825-1200 as against the revised pay scale of Rs.3200-4900 from 975-1540 (pre-revised) granted to Ferro Printers in all other Ministries/Departments/Offices of the Government of India. The case of grant of pay scale of

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Rs.975-1540 from Rs.825-1200 to the applicant was under the consideration of the respondent department and the respondents have been extending assurance to the applicant for revision of his pay scale in terms of the recommendations of the Vth Pay Commission. He has also stated that the Vth Pay Commission had recommended a corresponding revised pay scale of Rs.3200-4900 for the Ferro Printer cadre in the pre-revised pay scale of Rs.975-1540. The applicant being the holder of a solitary post of Ferro Printer in the respondent department which was in the scale of Rs.825-1200, there was no specific recommendation for the said post. On the recommendation of the Vth Pay Commission, the revised pay scale of Rs.3200-4900 was granted to all other Ferro Printers, but the applicant has been denied the pay scale of Rs.3200-4900. The applicant has also alleged that the recruitment qualification for the post of Ferro Printer is Middle Pass under the respondent department and there is no prescribed qualification for becoming eligible to promotion from Class IV including the Khallasi to the post of Ferro Printer in the C.P.W.D. and the Recruitment Rules provide for promotion from amongst the Group'D' staff for the post of Ferro Printer which is also same in other Ministries and Departments. So, on that basis the applicant is also claiming parity of pay scale with the Ferro Printers working in CPWD

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and other Ferro Printers working in other Ministries/Departments/Offices. He prays that OA should be allowed and the pre-revised scale of Rs.975-1540 corresponding to revised pay scale of Rs.3200-4900 should be granted to him as has been granted to other Ferro Printers in other Ministries/Departments/Offices, with all consequential benefits.

3. The respondents have alleged that the prayer of the applicant for higher pay scale of Rs.3200-4900 corresponding to pre-revised scale of Rs.975-1540 on the recommendation of the Vth Pay Commission, is misconceived and not maintainable under law. The application is liable to be dismissed on account of misrepresentation of facts. He was placed in the pre-revised scale of Rs.825-1200 on the recommendations of the IVth Pay Commission, which is now revised to Rs.2750-4400 on the recommendations of the Vth Pay Commission. Therefore, the applicant was rightly placed in the pay scale of Rs.2750-4400. As per the claim of the applicant regarding the claim of parity of pay scales of Ferro Printer of the CPWD and other Ministries/Departments/Offices are concerned, the respondents have stated that since the Recruitment Rules are different in the CPWD for the post of Ferro Printer, no parity of

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pay scales can be claimed with that of the pay scales of Ferro Printers of other Ministries/Department/Offices.

4. We have heard the learned counsel for the parties and perused the record.

5. It is settled law that so far as the grant grant of parity in pay scale is concerned, normally the Tribunals cannot interfere in the matter of fixation of pay scales which is the function of the expert bodies like Pay Commission as has been held by the Supreme Court in the case of UOI & Anr. Vs P.V. Hariharan & Anr [1997 SCC (L&S)838].

6. However, we have gone through the said judgement of the Supreme Court and we find that in cases where there is hostile discrimination, the court can exercise its jurisdiction.

7. We have also gone through the extract of the Vth Pay Commission Report where it is observed that pre-revised scale of Rs.975-1540 revised to Rs.3200-4900 has been granted to the Ferro Printers. In this case also since the applicant is working as Ferro Printer in the respondent department, his claim for the grant of pay scale of Rs.975-1540 pre-revised corresponding to revised pay scale of

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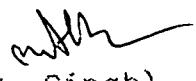
(2)

Rs.3200-4900 at par with scale of pay of Ferro-Printer in CPWD and other Ministries/Departments is quite bona fide. His case appears to be strong. It appears that the applicant seems to have been discriminated as the scale of Rs.975-1540 revised to Rs.3200-4900 has been granted to the Ferro-Printers working in other Ministries and Departments. So he is also entitled to the pre-revised scale of Rs.975-1540 corresponding to revised pay scale of Rs.3200-4900 with effect from 1.1.1996.

8. The respondent, have also vide Annexure A-6 recommended to the Ministry of Finance to seek their approval for upgradation of the scale of Ferro Printers to Rs.3200-85-4900 with effect from 1.1.1996.

9. The letter A-6 also shows as to how the applicant has been met with hostile treatment in this matter.

10. Keeping in view the same, we direct the respondents to consider the case of the applicant (Ferro Printer) for grant of pay scale of Rs.3200-4900 expeditiously, if possible, within a period of three months from the date of receipt of a copy of this order. No costs.


(M.P. Singh)
Member (A)


(Kuldip Singh)
Member (J)