

4

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

Regn. No. C.A. 1465/1989. DATE OF DECISION: 1-10-1991.

V.G. Shringi Applicant.

v/s.

Union of India & Anr. Respondents.

CORAM: Hon'ble Shri G. Sreedharan Nair, V.C. (J).
Hon'ble Shri D.K. Chakravorty, Member (A).

Mrs. Sarla Chandra, counsel for the Applicant.
Shri K.C. Mittal, counsel for the Respondents.

G. SREEDHARAN NAIR, V.C. JUDGMENT

The applicant was appointed as Translator-cum-Announcer in the ESD (Sindhi Unit) of the AIR, New Delhi, with effect from 7.5.1976 in the scale of pay of Rs.210-470. However, her basic pay was fixed at Rs.260/- by adding five increments taking into account her exceptional merit and qualifications. It is alleged that when her appointment was made, the Third Central Pay Commission had already recommended higher scale of pay for the post of Translator-cum-Announcer and the matter was under consideration of Government, and by the order dated 8.6.76, Government issued orders revising the scale of pay from Rs.210-470 to Rs.650-120. Her grievance is that while fixing her pay in the revised scale, the benefit of five additional increments, which she got in the pre-revised scale, was denied despite repeated representations. She has prayed for issue of a direction to the respondents to allow five increments to her in the revised scale right from 7.5.76. It is alleged that there has been discrimination as Shri John Hungu, Translator-cum-Announcer (Suwhali Unit) was allowed six increments in the revised pay scale. There is also the plea that the Director General, AIR, had strongly recommended for the grant of the five increments in the revised scale.

2. In the reply filed by the respondents, it is stated that the translation of the pre-revised scale of pay of

8

Rs.210-470, as per the recommendations of the Third Pay Commission, is only Rs.425-700 and Rs.425-750. It is contended that the revised scale of pay for the post held by the applicant, as per the Report of the Third Pay Commission was Rs.650-1200, much higher than the Translator's scale, and as such, the applicant is not eligible for the five advance increments in the new scale. In respect of Shri Hungu, it is stated that he was originally appointed on a basic pay of Rs.600 in the scale of pay of Rs.400-950, which was revised to Rs.700-1300 by way of translation of the former scale and, as such, the case of the applicant is not similar to that of Shri Hungu.

3. The ~~only~~ point that was pressed by the counsel of the applicant was that since the pay of the applicant was fixed at Rs.260/- on her appointment in the pre-revised scale of pay of Rs.210-470, consequent upon the revision of the scale of pay, the fixation of her basic pay should be done taking those increments also into account. The fallacy in this submission is exposed when it is taken into account that the corresponding replacement scale fixed by the Third Central Pay Commission for the scale of Rs.210-470 is only Rs.425-700 or Rs.425-750, while the Commission actually proposed a fresh revised scale of pay for the post of Translator-cum-Accoucer as Rs.650-1200. The pay of the applicant was admittedly fixed at Rs.650/- as a result of the recommendation of the Pay Commission. There would have been force in the plea of the applicant if the pay of the post held by the applicant was only fixed at the replacement scale proposed by the Commission, namely, Rs.425-700 or Rs.425-750. When the pay of the applicant has been fixed at Rs.650/- in a higher scale of pay fixed for the post, there cannot be any scope for legitimate grievance, for even if the five increments were added to the replacement scale starting at Rs.425, the applicant could not claim Rs.650, as has been allowed.

6

4. The plea of discrimination based on the ground of advance increments to Shri Hungu is without foundation, since his pay was only fixed in the replacement scale, with the addition of advance increments. No higher revised scale was fixed for the post held by him.

5. It follows that there is no merit in the application, which is hereby dismissed.

D. K. Chakravarty 1-10-1991
(D. K. CHAKRAVARTY)
Member (A)

G. Sreedharan Nair 1-X-1991
(G. SREEDHARAN NAIR)
Vice Chairman (J)

1.10.1991.