

8

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. 1866/89

New Delhi, dated the 6th May, 1994

Hon'ble Sh.B.N. Dhoundiyal, Member(A)

Hon'ble Smt. Lakshmi Swaminathan, Member(J)

Shri Brijesh Kumar Aggarwal,
R/o B-8/21, Vasant Vihar,
New Delhi.

Shri Nem Kumar
R/o FC/81- Tagore Garden,
New Delhi.

... Applicants

(By Advocate Sh. S.K. Bisaria)

V/s

1. Union of India,
Secretary,
Ministry of Water Resources,
Shastri Bhawan, New Delhi
2. Chairman, Central Water Commission,
Sewa Bhawan, R.K. Puram,
New Delhi.

... Respondents

(By Advocate Sh.K.L. Bhandula)

ORDER(ORAL)

(Hon'ble Shri B.N. Dhoundiyal, Member(A))

This application has been filed by Shri Brijesh Kumar Aggarwal and Sh.Nem Kumar who are aggrieved by a order dated 21.6.1989 rejecting / ^{their} claim for grant of grade Rs 550-900 (pre-revised), while working as a Research Assistant in Central Water Commission.

2. Applicant No.1 was appointed as a Research Assistant on 29.1.1973, while the applicant No.2 was appointed on 24.2.1973 as Research Assistant in the grade of Rs 210-425 in " Ganga Basin Water Resources Organisation."

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In 1973, the IIIrd Pay Commission recommended the grade of Rs 550-900 for the cadre of Research Assistant. However, this was not accepted by the Government and they were given the grade of Rs 425-700. Vide order dated 1.3.1975, the post of Silt Analyst was redesignated as Research Assistant and common seniority was drawn. 9 posts were created in the selection grade of Rs 550-900 but due to merger of the cadre of Silt Analyst with that of Research most of these posts went to erstwhile Silt Assistants. Assistant. Later on in the year 1978, there was a merger of cadre of Research Assistant working in Ganga Basin Water Resources Organisation with Central Water Commission. On 21.12.1979, one of the constituent units namely, Central Water Power Research Station, Pune was delinked with the Central Water Commission. Similarly, the Central Soil Material Research Station, Delhi was delinked in 1983. Research Assistants in Central Power Research Station, Pune were given the grade of Rs 550-900 w.e.f. 1.12.1979 and those in C.S.M.R.S. Delhi w.e.f. 1.1.1983. According to the applicant, the qualifications and the nature of duties of the persons working in these delinked organisations and the applicant are identical in nature. They submitted a representation on 8/85 and the same was rejected on 29.1.1986.

3. The applicants have prayed that a direction be issued to the respondents to revise their grade from Rs 425-700 to Rs 550-900 w.e.f. 1.1.1973.

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4. A preliminary objection has been raised by the respondents that the application is time barred as the redesignation of the post of Silt Analyst was carried out in 1975 and delinking of the organisations of C.W.& P.R.S. Pune and C.S.M.R.S. Delhi was ~~done~~ ^{done} ~~linked~~ in 1979 and 1983 respectively. However, we agree with the contention of the learned counsel for the applicant that though it is too late to challenge the specific decision regarding redesignation of the post of Silt Analyst, the claim for higher pay-scale refers to a recurring matter. This preliminary objection is overruled.

5. The respondents have contended that qualifications, duties and responsibilities are totally different in C.W.P.R.S. Pune and C.S.M.R.S. Delhi as compared to Central Water Commission and, therefore, the difference in the pay scale is justified. They have also stated that all the ⁴¹ Research Assistants of Central Water Commission were given an opportunity to put forward the cadre grievance of Research Assistant in C.W. Commission for consideration of the cadre review Committee which was constituted for Group 'B' and 'C' Scientific and Statistical Employees of Central Water Commission. The report of this Committee, which envisages more promotional avenues is still under consideration with the Ministry of Water Resources.

6. We have gone through the records and heard the learned counsel for both the parties. The respondents have

themselves stated in their reply that Research Assistant in the C.S.M.R.S. Delhi and C.W.P.R.S. Pune before separation of cadres from Central Water Commission were getting the pay scale of Rs 425-700 which was identical to the pay scale of the applicants. As the issue raised in this O.A. is already under consideration of the respondents who are to examine the report of the Cadre restructuring Committee, we refrain from passing any direction at this stage. However, it is incumbent upon the respondents to take note of the fact that the 3rd Pay Commission recommended the pay scale of Rs 550-900 for the Research Assistant and that as stated in their counter, before delinking the pay scales were same in the all the organisations. The respondents will no doubt take into account the judgement of Hyderabad Bench of Tribunal in OA No. 402/87 delivered on 10.7.89. As this matter is pending for a long time, respondents are directed to consider all the issue expeditiously ~~so far as possible within~~ ⁱⁿ a period of 3 months and pass speaking orders within a period of 6 months from the date of communication of this order or make a suitable reference to the Pay Commission.

There will be no order as to costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)
Member (J)

B.N. Bhowmik
(B.N. Bhowmik)
Member (A)