

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI

DATE OF DECISION:

22.3.91

(1) O.A. 14/1987.

Shri Kali Prasad Mangain & Others. ... APPLICANTS.

Union of India and Another V/s. ... Respondents.

(2) O.A. 212/1987.

Shri Khalid Sultan & Others ... APPLICANTS.

Union of India and Others V/s. Respondents.

(3) O.A. 210/1987.

Shri Bijender Kumar & Others APPLICANTS.

Union of India and Others V/s. Respondents.

(4) O.A. 507/1989.

Shri Lalit Mohan Joshi & Others APPLICANTS.

Union of India and Others V/s. Respondents.

CORAM:

Hon'ble Mr. P.C. Jain, Member (A).
Hon'ble Mr. J.P. Sharma, Member (J).

Shri P.K. Aggarwal, counsel for the Applicants
in all the four cases.

Shri M.L. Verma, counsel for the respondents
in O.A. 14/1987.

Shri P.H. Ramchandani, Sr. Counsel for the respondents
in O.A. 212/1987, O.A. 210/1987 and O.A. 507/1989.

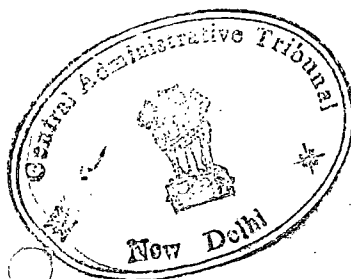
(Judgment of the Bench delivered by
Hon'ble Mr. J.P. Sharma, Member(J)).

JUDGMENT

The applicants in all the four cases cited
above are working in Doordarshan under the Ministry of
Information and Broadcasting, and/can be conveniently
disposed of by a common judgment. Briefly, the facts
of the cases are given below.

O.A. 14/1987.

The applicants initially joined the service in
Doordarshan as Staff Artists on contract basis upto



attaining the age of 58 years. The case of the applicants was not considered by the Third Pay Commission as at that time, the services of the applicants were contractual in nature. However, on representations from the applicants, Ministry of Information & Broadcasting, vide their communication dated 8.3.1977 (Annexure 'A' to the O.A.) revised fee scales of Staff Artists in Doordarshan on the analogy of the recommendations of the Third Central Pay Commission. The applicants made further representations and as a result an "Anomalies Committee" was appointed. The report of the "Anomalies Committee" is at Annexure 'B' to the O.A. The applicants are working as Production Assistants. Their fee scale of Rs.235 - 480 was revised to Rs.425 - 750, vide the Ministry of Information & Broadcasting communication dated 8.3.1977 (supra) with effect from 1.1.1973. The report of the Anomalies Committee did not contain any mention of anomalies in the fee-scale of the applicants and, as such, there was no further revision at that stage.

The applicants continued to make representations on the ground that the Production Assistants with the same duties, functions and job requirements in various Departments, including those working in the Films & Television Institutes of India, were having the pay scale of Rs.550 - 900 (pre-revised) whereas they were given the fee-scale of Rs.425 - 750 only. In Office Memorandum dated 11.7.86 (Annexure 'E' to the O.A.), the Directorate General, Doordarshan, informed the General Secretary, Doordarshan Programme Producers' Association (India) that the question of revision of pay scales of Production Staff in Doordarshan had been referred to the Fourth Pay Commission, and their recommendations might be awaited. In 1985 when the Fourth Pay Commission visited Doordarshan, a brief on "Upward Revision of pay scales of Production

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Assistants and Producers in Doordarshans' was submitted to the Fourth Pay Commission, in which the scale of Rs. 550 - 900 was suggested for the Production Assistants as against Rs. 425 - 750, in which they had been working. The Fourth Pay Commission in para 10.320 of their report, recommended as under: -

"We note that the set up in Doordarshan is somewhat different from the Films Division. There may be reasons for the difference. We have recommended the pay scales for posts in the Film Division. Keeping these scales in view, the Ministry may examine and prescribe the pay scales for comparable posts in Doordarshan. Till then, the posts in Doordarshan may be given the pay scales recommended in Chapter 8."

On the recommendations of the Fourth Pay Commission, the scale of pay of Production Assistant in Doordarshan, which was Rs. 425 - 750, was revised to Rs. 1400 - 2600 with effect from 1.1.1986. (Annexure '3' to the O.A.). The applicants have impugned this Office Order dated 16.10.86, and have prayed for:

- (a) directing the Respondents to fix the pay scale of the Petitioners in accordance with the recommendations of the Fourth Pay Commission keeping in view the comparable posts in the Films Division;
- (b) directing the Respondents to give the petitioners the pay scales recommended in Chapter VIII of the Report of the Fourth Pay Commission in particular Para 8.46 in Chapter VIII of the Report, that is, the scale of Rs. 1640 - 2900 on the basis of the proposed pay scale before revision, i.e., Rs. 550-990;
- (c) directing the Respondents to fix the Pay Scale of the Petitioners at Rs. 550 - 900 with effect from 1st January, 1973 till 31st December, 1985 and further directing the Respondents to pay the arrears of salary to the Petitioners; and

(d) any other order that this Hon'ble Tribunal may deem just and fit be also passed. "

O.A. 212/1987.

The applicants herein also initially joined the service in Doordarshan as Staff Artists on contract basis upto attaining the age of 58 years. They are at present working as Producers Grade I in Doordarshan. The facts of this case are almost similar to the ones in O.A. No.14/1987.

The fee-scale of Producer Grade-I, which was earlier Rs.600 - 1000, was revised to Rs.700 - 1300 vide the Ministry of Information & Broadcasting letter dated 8th March, 1977

on the analogy of the recommendations of the Third Central Pay Commission (Annexure 'A' to the O.A.). The Inter-

Departmental Review and Rationalisation Committee, known as

the "Anomalies Committee", in the case of Producers Grade I

also did not make any recommendation. The report of the

Committee is at Annexure 'B' to the O.A. The applicants

have been representing that their pay scale ought to have

been revised to Rs.1100 - 1600 on the analogy of similar posts

and similar scale, as the Producers with different nomenclatures

with the same duties, functions and job-requirements in various

Departments were having the pay scale of Rs.1100 - 1600. In

a brief note submitted to the Fourth Pay Commission, the

scale of Rs.1100 - 1600 was suggested as against Rs.700 - 1300

for this post. As stated above, the Fourth Pay Commission

did not specifically recommend the pay scales for the

Production Staff in Doordarshan. It only recommended the

pay scale of comparable posts in the Film Division. The

applicants have been placed in the revised pay scale of

Rs.2200 - 4000 with effect from 1.1.1986 on the basis of their

earlier scale of Rs.700 - 1300. The applicants have prayed

for the following reliefs: -

"(a) directing the Respondents to fix the Pay Scale

of the Petitioners in accordance with the

recommendations of the Fourth Pay Commission keeping in view the comparable posts in the Films Division;

(b) directing the Respondents to give the Petitioners the pay scales recommended in Chapter VIII of the Report of the Fourth Pay Commission, in particular Para 8.58 in Chapter VIII of the Report, that is, the scale of Rs.3000 - 4500 on the basis of the proposed pay scale before revision, i.e., Rs.1100 - 1600.

(c) directing the Respondents to fix the Pay Scale of the Petitioners at Rs.1100 - 1600 with effect from 1st January, 1973 till 31st December, 1985 and further directing the Respondents to pay the arrears of salary to the Petitioners; and

(d) any other order that this Hon'ble Tribunal may deem just and fit be also passed. "

O.A. 210/1987.

The facts of this case are also almost similar to the ones in O.A. 14/1987 and O.A. 212/1987, cited above.

The applicants herein were also initially employed in Doordarshan as Staff Artists on contract basis upto the age of 58 years. They are at present working as Producers Grade II in Doordarshan. The fee-scale of Producer Grade-II, which was earlier Rs.500 - 800 before revision on the recommendations of the Third Pay Commission, was revised to Rs.650 - 1200, vide the Ministry of Information and Broadcasting letter dated 8.3.1977, with effect from 1.1.1973 on the analogy of the recommendations of the Third Central Pay Commission (Annexure 'A' to the O.A.). The case of the applicants is that their revised pay scale should have been fixed as Rs.700 - 1300 with effect from 1.1.1973 in view of the scale of comparable posts in the Films Division, and the scale of Rs.2200 - 4000 on the basis of the proposed pay scale before revision, i.e., Rs.700 - 1300, in

accordance with the recommendations of the Fourth Central

Pay Commission. They have prayed for:

- (a) directing the Respondents to fix the Pay Scale of the Petitioners in accordance with the recommendations of the Fourth Pay Commission keeping in view the comparable posts in the Films Division;
- (b) directing the Respondents to give the Petitioners the pay scales recommended in Chapter VIII of the Report of the Fourth Pay Commission, in particular Para 8.57 in Chapter VIII of the Report, that is, the scale of Rs.2200 - 4000 on the basis of the proposed pay scale before revision, i.e., Rs.700 - 1300.
- (c) directing the Respondents to fix the Pay Scale of the Petitioners at Rs.700 - 1300 with effect from 1st January, 1973 till 31st December, 1985 and further directing the Respondents to pay the arrears of salary to the Petitioners; and
- (d) any other order that this Hon'ble Tribunal may deem just and fit be also passed. "

O.A. 507/1989.

Applicants 1 to 5 are working as Film Editors and applicants 6 and 7 as Edit Supervisors in Doordarshan.

Initially all these applicants were also appointed as Staff Artists on contract basis upto their attaining the age of 58 years. The fee-scale of Film Editor, which was Rs.235-480 prior to the recommendations of the Third Pay Commission, was revised to Rs.425 - 750, vide the Ministry of Information and Broadcasting letter dated 8.3.1977, with effect from 1.1.1973 on the analogy of the recommendations of the Third Central Pay Commission (Annexure 'A' to the O.A.). The Staff Artists have been representing that the revised scales given to them are not based on the correct analogy. The Fourth Central Pay Commission, to whom the pay scales of these staff were referred to, as stated above, made its observations in para 10.320. According to the applicants,

the post of Film Editor in Doordarshan is equivalent to the post of Editor in Films Division and the post of Edit Supervisor in Doordarshan is equivalent to the post of Chief Editor in Films Division. In accordance with the recommendation of the Fourth Central Pay Commission, it is for the Ministry to examine and prescribe the pay scales for comparable posts in Doordarshan vis-a-vis those in the Films Division. The applicants are aggrieved by non-revision of their pay scales in parity with their counter-parts in the Films Division and have prayed for:

- (i) issuing an appropriate writ, order or direction to the respondents to revise and fix the pay scale of the petitioners 1 to 5 in the scale of Rs.2000 - 3200 and of petitioners 6 and 7 in the scale of Rs.2375 - 3500 in accordance with the comparable posts of Editors and Chief Editor respectively in Films Division under the same Ministry of Information and Broadcasting;
- (ii) directing the respondents to pay the arrears of salary and other allowances from 1.1.1986 till the correct fixation of their pay scales;
- (iii) any other order that this Tribunal may deem just and fit may also be passed; and
- (iv) costs of the petition may be awarded in favour of the petitioners and against the respondents.

2. The respondents have contested these applications by filing counter-replies in all the four cases. According to them, as on 1.1.1973, they did not hold any civil post as they had been employed only on contractual basis. It is erroneous and irrational to compare the posts in other Media Units of the Ministry or Autonomous Bodies with the posts in Doordarshan for the purpose of revision of pay scales. The Fourth Central Pay Commission stated that the set up in Doordarshan is somewhat different and that till the Government examines and prescribes pay scales for comparable

specified posts in Doordarshan, the pay scales as

recommended in Chapter 8 may be given for the posts in

Doordarshan. The applicants have been given the pay scales

with reference to the pay scales which they were actually

holding prior to the recommendations of the Central Fourth

Pay Commission. According to the respondents, the working

technique, as also the duties, job requirements and functions

attached to the various posts in the Films Division are in

no way comparable with those attached to the posts in the

Doordarshan.

3. We have heard the learned counsel for the parties in all the four cases.

4. Briefly stated, whereas in O.A. 14/1987, O.A.

212/1987, and O.A. 210/1987, the reliefs claimed for

involve the period from 1st January, 1973, in O.A. 507/1989,

the reliefs prayed for cover the period from 1.1.1986, i.e.,

the date from which the recommendations of the Fourth

Central Pay Commission were accepted for implementation.

Although in 1973, the Third Central Pay Commission did not

consider the pay scales of the applicants, in 1977, Ministry

of Information and Broadcasting, vide its letter dated 8th

March, 1977, revised the fee scales of TV Contract staff

on their giving unconditional option, with effect from

1.1.1973 as under: -

Sl.No.	Category of T.V. contract staff	Earlier fee scale	Revised fee-scale
1.	Production Assistant	Rs.235-480	Rs.425-750.
2.	Producer Grade I	Rs.600-1000	Rs.700-1300.
3.	Producer Grade II	Rs.500-800	Rs.650-1200.
4.	Film Editors	Rs.235-480	Rs.425-750.

In view of the recommendations of the Fourth Pay Commission as contained in Chapter 8 of its Report, the following replacement scales were given to the applicants: -

1. Production Assistant Rs.1400 - 2600.
2. Producer Grade I Rs.2200 - 4000.
3. Producer Grade II Rs.2000 - 3500.
4. Film Editor Rs.1400 - 2600.
5. Edit Supervisor Rs.2000 - 3500.

5. These replacement scales were given to the applicants on the basis of revised fee scales, which they were holding prior to the recommendations of the Fourth Central Pay Commission. The applicants, however, claimed the revised scales on the principle of equal pay for equal work as are being paid to the Artists employed in the Films Division on the equivalent posts. It is the case of the applicants that the nature of work performed by them is similar to that performed by their counterparts in the Films Division. It is also said that the qualifications for appointment to these categories of Staff Artists are the same as required in the cases of their counterparts in the Films Division. It is submitted by the applicants that the said Government Order dated 8th March, 1977 has been discriminatory and violative of Articles 14 and 16(1) of the Constitution. The applicants have further urged that their Pay Scales fixed in March, 1977 were not suitably revised even by the Anomalies Committee and as a result, the replacement scales fixed by the respondents on the recommendations of the Fourth Pay Commission Report, have been arbitrarily fixed. The contention of the learned counsel for the applicants is that the revised scales in 1977 should be deemed to have been fixed as follows: -

	For the Revised Scale	Deemed Scale
1. Production Assistant	Rs.425-750	Rs.550-900.
2. Producer Grade I	Rs.700-1300	Rs.1100-1600.
3. Producer Grade II	Rs.650-1200	Rs.700-1300.
4. Film Editor	Rs.425-700	Rs.550-900.
5. Edit Supervisor	Rs.650-1200	Rs.700-1300.

On the recommendations of the Fourth Pay Commission, the applicants claimed parity with some posts in the Films Division and have claimed the following pay scales: -

1. Production Assistant	Rs.1640-2900.
2. Producer Grade I	Rs.3000-4500
3. Producer Grade II	Rs.2200-4000
4. Film Editor	Rs.2000-3200
5. Edit Supervisor	Rs.2375-3500.

6. The learned counsel for the applicants has placed reliance on Shri Y.K. Mehta and Others Vs. Union of India and Anr., reported in AIR 1988 SC p. 1970. This was a case of Staff Artists of Doordarshan namely, Cameraman Gr. II, Sound Recordist and Lighting Assistant/Lightman and they had claimed that they should be paid the pay as was being paid to Staff Artists of All India Radio. The Hon'ble Supreme Court observed as follows: -

"We have gone through the averments in the Writ Petitions and those made in the counter-affidavits filed by the Director General of Doordarshan and we have no hesitation in holding that the petitioners perform the same duties as those performed by their counterparts in the Film Division. When two posts under two different Wings of the same Ministry are not only identical, but also involve the performance of the same nature of duties, it will be unreasonable and unjust to discriminate between the two in the matter of pay. One of the Directive Principles of State Policy, as embodied in clause (d) of Article 39 of the Constitution, is equal pay for equal work for both men and women. The provision of Article 39(d) has been relied upon by the petitioners. The Directive Principles contained in Part-IV of the Constitution though not enforceable by any Court, are intended to be implemented by the State of its own accord so as to promote the welfare of the people. Indeed, Article 37 provides, inter alia, that it shall be the duty of the State to apply these principles in making laws. Even leaving out of our consideration Art. 39(d), the principle of "equal pay for

equal work", if not given effect to in the case of one set of Government servants holding same or similar posts, possessing same qualifications and doing the same kind of work, as another set of Government servants, it would be discriminatory and violative of Arts. 14 - 16 of the Constitution. Such discrimination has been made in respect of the petitioners, who are the Staff Artists of Doordarshan, by not giving them the same scales of pay as provided to their counterparts in the Film Division under the same Ministry the Information & Broadcasting. The petitioners are, therefore, entitled to the same scales of pay as their counterparts in the Film Division.

7. The learned counsel for the applicants also placed reliance on the case of Union of India versus M.A. Chaudhary A.I.R. 1987 Supreme Court page 1526 and Doordarshan Camera men Welfare Association versus Union of India AIR 1990 SC page 1387. In the case of M.A. Chaudhary the Hon'ble Supreme Court upheld the judgment of Allahabad High Court that Artists in All India Radio are holding civil post though their appointment is initially of contractual nature. In the case of Doordarshan Camera men (supra) it has been held that benefit of the judgment can be given to similarly situated employees belonging to aforesaid categories and it cannot be said that there is delay in approaching court for the similar relief.

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8. The learned counsel for the respondents

have almost taken the same stand in all the above mentioned applications opposing the relief claimed by the applicants for the grant of scales of the Staff Artists of Films

Division, urging that the Fee Scale of various categories of posts of Staff Artists in Doordarshan, on the analogy

of the recommendation of the Third Pay Commission in respect of regular Government servants, was examined by the

Government and the President was pleased to decide revised Fee Scales from 1-1-1973 by the order dated 8th March, 1977.

It is further urged that the applicants of the above original applications except DA No.531/89 gave their option for

the revised scales whereafter their fee scales were fixed and so if the applicants had any objection to the fixation of their fee as per the revised Fee Scales, they should not

have opted for the revised Fee Scales. Now they are estopped to take opposite stand in this regard. It has been further urged that the present application DA No.212/87 is with

regard to the Group A post for which Government decision is awaited. During the course of arguments also the learned

counsel for the respondents has filed a letter from Ministry of Information & Broadcasting dated 22nd May, 89 in which a

high powered committee to go into the structure of Pay Scale of Artists in Doordarshan has been formed saying therein that in terms of para 10.320 of the Fourth Pay Commission's Report, in respect of various categories of

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Artists of Doordarshan, on the basis of comparability of these posts, with similar post in Film Division, pay scale, be considered. A copy of the letter has also been sent to D.G., Doordarshan. This fact is not being disputed by the learned counsel of the

Applicants. The learned counsel for the Respondents have also referred to the decision of the Cuttack Bench of C.A.T. in D.A.No.292/89 - Aurbindu Dutta Ray -Vs- Union of India and Ors, where Producers

Gr.II of Doordarshan had filed U.A. for revision of their Pay Scale praying that the same Pay Scale as is being given to the Producer in Film Division

be given to them. By the judgment dated 3-12-1990 Cuttack Bench ordered, "that as a Committee has since been constituted to go into the question of parity in pay scale of the staff artists, it

would be proper to await the recommendations of the Committee and the decision of the Government of India thereon".

The Hon'ble Supreme Court also in Umesh Chandra Gupta and others -Vs- Oil and Natural Gas Commission and others AIR 1989 SC page 29 observed as

follows:-

"The nature of work and responsibilities

of the posts are matters to be evaluated by

the management and not for the Court to

determine by relying upon the averments in

the affidavits of interested parties. We have

stressed this point in recent judgment (in

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Civil Appeal No.56 of 1987, State of U.P.

and Ors. v. J.P. Chaurasia and Ors. disposed

on 27 September, 1988 (reported in AIR

1989 SC 19 at para 17). There we said:

"the question depends upon several factors.

It does not just depend upon either the nature

of work or volume of work done by Bench

Secretaries. Primarily it requires among

others, evaluation of duties and

responsibilities of the respective posts. More

often functions of two posts may appear to

be the same or similar, but there may be

difference in degrees in the performance.

The quantity of work may be the same, but

quality may be different. That cannot be

determined by relying upon averments in

affidavits of interested parties. The equation

of posts or equation of pay must be left to the

Executive Government. It must be

determined by expert bodies like Pay

Commission. They would be the best judge

to evaluate the nature of duties and

responsibilities of posts. If there is any such

determination by a Commission or

Committee, the Court should normally accept

it. The Court should not try to tinker with

such equivalence unless it is shown that it

was made with extraneous consideration."

9. In the case of Randhir Singh Vs. Union of

India AIR 1982 SC page 879, the principal of 'equal pay for equal work' has been laid down and the Constable Drivers of Delhi Police were ordered to be paid the same pay scale which was being paid to the Constable Drivers

in the R.P.F. The doctrine for equal pay for equal work

is not expressly declared as Fundamental Right under the

Constitution. However, in the following cases*, this

principle has been further enunciated. In all these

cases, there was a hostile discrimination between two

sets of persons discharging the same duties and

responsibilities and working under the same employer.

However, it has been observed in all these cases that

it is open to the State to classify employees on the

basis of qualifications, duties and responsibilities

of the posts concerned. If the classification has reasonable

nexus with the objective sought to be achieved, i.e.,

efficiency in the administration, the State would be

justified in prescribing different Pay Scales, but if

the classification does not stand the test of reasonable-

ness and the classification is founded on unreal and

unreasonable basis, it would be violative of Articles

14 and 16 of the Constitution.

1. 1986 (1) SCC 637-Dharmender Chamoli Vs. Union of India.

2. 1985 AIR S.C. P-1124-V.J. Thomas Vs. Union of India.

3. 1987 AIR S.C. P-2049-Bhagwan Das Vs. State of Haryana.

4. 1988 AIR S.C. P-1504-Jaipal Vs. State of Haryana.

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10. The learned counsel for the respondents have opposed the application also on the ground that the applicants could not be granted the relief/revised pay,

if any, from 1-1-1973 as the same shall be barred under the provisions of Sec.21(2) of Administrative Tribunal Act, 1985. In this connection the learned

counsel for the Respondents have placed reliance on Dr. (Kum.) K. Padmavally -Vs- Union of India reported in 1988 Vol. III CAT S.L.J. where it has been held that

Sec.21 makes a complete reading and an application being not a Writ Petition, it is governed by limitation.

In this reported case the applicant filed the application in 1967 for a cause of action which arose in 1973.

Reliance has also been placed on the authority Harish Chandra Mondal and Urs -Vs- Union of India reported

in 1990 (12) A.T.C. page 455 where it has been held by

C.A.T. that applications before the Tribunal are governed by specific rules of limitation provided in the Act

and not by general laws of limitation. In Dr. S.S. Rathor

Vs- State of M.P. 1990 AIR page 10 the Hon'ble Supreme

Court also held that repeated non-statutory representations

do not add to the limitation period provided under

Sec.21 of the A.T. Act, 1985. It has been further argued by

the learned counsel for the Respondents that an

application against an order or grievance made before

three years immediately preceding the date of setting

up of C.A.T. is time barred. The C.A.T. even cannot

condone the delay in such cases*. In Abu Singh

*(1) Sukumar Day v. U.O.I., (1983) 3 ATC 427 (CAT) (Cal.)

(2) V.S. Raghavan v. Secretary to the Ministry of Defence, (1987) 3 ATC 602 (CAT) (Mad.)

(3) Vinla Mukhiya v. U.O.I. (1987) 3 ATC 492 (CAT) (Jab.)

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Singh -Vs- Union of India 1987 (3) A.T.C. page 561

C.A.T. 44 it has been held that where the applicant referred his grievance to the department & consequently an inquiry was held but the result thereof remained unknown

to the applicant, mere such ignorance will not stop running of the limitation. In the case of P.L.Shah -Vs-

Union of India & Ors. 1989 (2) S.L.J. page 49 SC the

Hon'ble Supreme Court (in S.L.P. against rejection by

C.A.T. of an application against grievance or order which had arisen/passed more than three years prior to 1.11.85),

it was held that undoubtedly relief relating to period preceding three years from 1-11-1985 cannot be given. The

learned counsel for the applicant on the other hand

argued that the question of limitation does not arise

as the applicants had made representation against revision of Fee Scale not to their liking in 1978 and they

were advised to await the result of the recommendation of the Fourth Pay Commission. The learned counsel for the

applicant has placed reliance on the case of Dr.Smt.

Sushila -Vs- Union of India & Ors.(1987)4 A.T.C.,p.511. In this case the applicant was due for higher scale of

pay in the year 1979 but was informed of its deferment

by a communication dated 30.9.1986. In this the case

of R.N.Singhal -Vs- Union of India in 1987 4 A.T.C.

page 507 was distinguished. The Principal Bench in

R.N.Singhal held that cause of action which has arisen

three years prior to the enforcement of the

Act would be held to be barred by limitation. The

learned counsel for the Respondents, therefore,

prayered for dismissal of the application.

ORDER: The application is dismissed.

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pointed out that ⁱⁿ the present cases, the Applicants in the D.As. except D.A.No.531/81 did not seek the remedy available ^{to them} after the matter was considered by anomalies Committee and no relief by it was granted to them. The report of the Anomalies Committee was known to the Applicants as they have referred the same in their subsequent representations. It has been observed in the report of the Committee, "the Committee do not favour for grant of a higher scale to Producers Grade II as the revised scale of Rs.650-1200 is not only the normal replacement scale for the posts in the pre-revised scale of Rs.500-800 but also Programme Executives whose duties are inter-changeable with those of Producers are also in the revised scale of Rs.650-1200. This would also facilitate formation of a common cadre of Producers which the Committee has recommended in a subsequent paragraph."

11. The learned counsel for the Applicants has placed reliance on Mat. Rukmi Bai - Vs.- Lala Laxmi Narain and Ors. AIR 1960 SC page 335 to show that the right to sue cannot arise until there is a denial of the right asserted in the suit and its infringement. The law of limitation is not to be applied as Sec.21 of the A.T.Act,85 is self-contained. The Applicants very well knew in 1977 that their Fee Scales have not been revised to their liking

so successive representations would not give any further limitation to the applicants. In view of these facts, the claim of the applicants in O.A. 14/87, 210/87 and 212/87 for considering the revision of the pay scales from 1.1.1973 cannot be entertained ^{on the point of limitation} as the applications have been presented beyond limitation).

12. The question of the revision of the pay scales of the applicants is already pending with the High Powered Expert Committee. The Cuttack Bench of the Central Administrative Tribunal has already issued directions to finalise this matter within six months. The Cuttack Bench also referred to the judgment of Y.K. Mehta and Others Vs. Union of India and Another (supra) which was delivered on September 16, 1988 while the Committee was constituted afterwards in May, 1989.

13. In view of the above discussion, we dispose of the applications as follows by a common direction in all the O.A.

The respondents are directed to expedite the submission of the report by the High Powered Expert Committee constituted in May, 1989, so that they are in a position to finalise the fixation of the pay scales of the applicants keeping in view the observation of the Fourth Central Pay Commission as contained in para 10.320, quoted above, as early as possible, and in any case within four months from the date a copy of this order is received by the respondents. The changes, if any, in the final prescription of the pay scales, after examination by the respondents, will be effective from January 1, 1986. The other reliefs claimed in all the O.A.s stand rejected and disallowed. The parties are left to bear their own costs.



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Section Officer (J)
Central Administrative Tribunal
Principal Bench, New Delhi

(J. P. SHARMA) 22.3.91
Member (J)

(P.C. JAIN) 22.3.91
Member (A)