

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, DELHI

DATE OF DECISION: 22.3.91

(1) O.A. 14/1987.

Shri Kali Prasad Mamgain & Others. . . . . APPLICANTS.

Union of India and Another V/s.

(2) O.A. 212/1987. . . . . Respondents.

Shri Khalid Sultan & Others . . . . . APPLICANTS.

Union of India and Others V/s.

(3) O.A. 210/1987. . . . . Respondents.

Shri Bijender Kumar & Others . . . . . APPLICANTS.

Union of India and Others V/s.

(4) O.A. 507/1989. . . . . Respondents.

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 (prevised) 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

and to take into account the recommendations made by the Pay Commission in its report on the revised pay scales for the Production 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: -

the recommendations of Chapter 10 of the Report.

"We note that the set up in Doordarshan is somewhat different from the Films Division. There may be certain valid reasons for the difference. We have recommended the pay scales for posts in the Film Division.

Keeping these scales in view, the Ministry may allow the comparable posts in Doordarshan, may be given the pay scales recommended in Chapter 8."

To which the Petitioners have replied as follows:

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 'G' to the O.A.). The applicants have impugned this Office Order dated 16.10.86, and have prayed for:

and on the facts of the case, the Petitioners have further

"(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

certifying to the fact that the Petitioners are not in arrears of salary and to make a payment to the Petitioners.

(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 "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 scales, 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 pay 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 VII** 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.

Case No. O.A. 507/1989 for edit and sub edit

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

Applicants as Staff Artists have been representing that the revised scales given to them are not based on the correct analogy. The analogy was to be applied to 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 Editor 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 add to this effect that the various reliefs claimed 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: -

S.I.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.

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 held 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 Ahr., 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

that is, and the award of the same scale of pay to the petitioners.

It is submitted that if the scales of pay of the petitioners are not given to them, it would be discriminatory and violative of Article 14 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 and Doordarshan Camera Division.

It is submitted that 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

and Film Artistes Welfare Association versus Union of India AIR 1990 SC 1370, to which reference has been made earlier.

On the basis of the aforesaid relied on, it is submitted that the Hon'ble Supreme Court upheld the judgments of Allahabad High Court

and the learned counsel for the applicants also placed reliance on the case of M.A. Chaudhary, A.I.R. 1987 Supreme Court page 1387. In the case of M.A. Chaudhary the Hon'ble

Supreme Court upheld the judgments of Allahabad High Court

and the learned counsel for the applicants also placed reliance on the case of M.A. Chaudhary, A.I.R. 1987 Supreme Court page 1387. In the case of M.A. Chaudhary the Hon'ble

Supreme Court upheld the judgments of Allahabad High Court

and the learned counsel for the applicants also placed reliance on the case of M.A. Chaudhary, A.I.R. 1987 Supreme Court page 1387. In the case of M.A. Chaudhary the Hon'ble

Supreme Court upheld the judgments of Allahabad High Court

and the learned counsel for the applicants also placed reliance on the case of M.A. Chaudhary, A.I.R. 1987 Supreme Court page 1387. In the case of M.A. Chaudhary the Hon'ble

Supreme Court upheld the judgments of Allahabad High Court

and the learned counsel for the applicants also placed reliance on the case of M.A. Chaudhary, A.I.R. 1987 Supreme Court page 1387. In the case of M.A. Chaudhary the Hon'ble

1. The learned counsel for the respondents  
against whom application No. 212/87 was filed have almost taken the same stand in all the above mentioned  
applications opposing the relief claimed by the applicants  
on the basis of the recommendations of the  
Commission of Staff Artists under the Act, G.C. of India, dated  
for the grant of scales of the Staff Artists of Films  
and the television channels and so the learned counsel

urges 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 OA No. 531/89 gave their option for  
notices and were given the opportunity to object

to the revised scales whereafter their fee scales were fixed  
and if any objection was made by the applicants  
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  
from taking any stand in this regard. It has been further  
urged that the present application OA 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 has been formed saying  
that a new 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

23

Artists of Doordarshan, on the basis of comparability of  
these posts, <sup>of</sup> similar post in Film Division, pay scales 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 O.A. No.292/89 — Aurbindu  
Dutta Ray -Vs- Union of India and Ors, where Producers  
of TV Broadcasts and Film Corporation of India Ltd.  
Gr.II of Doordarshan had filed U.A. for revision  
because of their Pay Scales 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 held that since the Committee has  
not made any recommendations since been constituted to go into the question of  
parity and 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:- "In a quote said of Doordarshan  
and other artists "The nature of work and liabilities  
of the post itself is the post matter to be evaluated by  
the management and not for the Court to  
determine with determining upon the averments in  
the affidavit given by the affidavits of interested parties. We have  
referred to this point in the recent judgment (in  
the matter of Umesh Chandra Gupta and others AIR 1989 SC page 29)

74

the principal law before the Court. The judge said in Civil Appeal No.56 of 1987, State of U.P. and others v. M.L. and others and Ors. v. J.P. Chaurasia and Ors. disposed of by the bench on 27 September, 1988 (reported in AIR 1988 (1988) 4 SCC 492 at para 17). There we said:

Now I hope you have not understood that "equivalence of work" or "the question depends upon several factors. This is a very simple question of equivalence of work. It does not just depend upon either the nature of work or quantity of work or volume of work done by Bench and the other members of the Bench or the nature of work done by the Secretaries. Primarily it requires among other things that the post should be evaluated by the concerned others, evaluation of duties and responsibilities of the respective posts. More frequently than not, when a post has multiple functions, often functions of two posts may appear to be the same or similar, but there may be some dissimilarities of posts with or even a difference in degrees in the performance. In such a situation the post should be evaluated to stand

The quantity of work may be the same, but nature and quantum of work to be performed may not be the same. The 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 concerned to find out what is the nature and quantum of work.

Executive Government. It must be left to the concerned to find out what is the nature and quantum of work to be performed. The nature and quantum of work to be performed is to 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

discrepancy, the 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 principle 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.

One of the cases of equal pay scale is

1986 AIR 1986 (1) SC 637-Dharmender Chamoli Vs. Union

of India.

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.

9/6

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 the application is filed any time 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 1968 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.A. It has been further urged 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 Dey 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) Vimla Mukhija v.U.O.I. (1987) 3 ATC 492 (CAT) (Jab.)

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

In the case of Sushila -Vs- Union of India 1987 (3) A.T.C. page 561 it has been held that where the applicant referred his grievance to the department & consequently an enquiry was held but the result thereof remained unknown and communicated 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 learned counsel for the Respondents contended before the Hon'ble Supreme Court (in S.L.P. against rejection by C.H.T. of an application against grievance or order which period 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 learned visitors 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.

stated above on page 507 was distinguished. The Principal Bench in addition to this R.N.Singhal held that cause of action which has arisen to the date of three years prior to the enforcement of the

Act would be held to be barred by limitation. The learned counsel for the Respondents, therefore,

in  
pointed out that the present cases, the  
Applicants in the D.A.s. 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 the applicants. The report of the Anomalies Committee was known  
to the Applicants as they have referred the same in their  
Petitions and subsequent representations. It has been observed in the  
report of the Committee, "the Committee do not favour for  
the intended grant of a higher scale to Producers Grade II as the  
present 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  
and they have been suffering loss ever since.

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 <sup>on the point of limitation</sup> cannot be entertained 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.s.

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 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.

(J.L. SHARMA) 22.3.91  
Member (J)

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



CERTIFIED TRUE COPY

राजनीति कार्यकारी (J)  
Section Officer (J)  
संस्थान विभागीय अधिकारी  
Central Administrative Tribunal  
प्रमुख व्यापारी, नई दिल्ली  
Principal Bench, New Delhi