

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00955/2015

Friday, this the 5th day of February 2021

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80. Sreelatha.B.,
Technician F, SC No.36438,
FCD/FCG/AVN, VSSC,
ISRO P.O., Thiruvananthapuram – 695 022.
Residing at Qtr.No.C-206, ISRO Staff Quarters,
Pallithura P.O., Thiruvananthapuram – 695 586.
81. Sunil Raj.R.S,
Technical Assistant, SC No.36465,
EPCF/APPG/AVN/VRC/VSSC,
ISRO P.O., Thiruvananthapuram – 695 022.
Residing at Elankathara, East Banglow,
Nedumangad P.O., Thiruvananthapuram – 695 541.

82. Safeesh.V.,
Technician D, SC No.36642,
QID/QCPG/AVN/VSSC,
ISRO P.O., Thiruvananthapuram – 695 022.
Residing at Vallooli House, Eranhikkal P.O.,
Elathur Via, Calicut – 673 303.
83. Ajesh.P.R.,
Technician F, SC No.VS 10353,
QID/QCPG/AVN/VSSC,
ISRO P.O., Thiruvananthapuram – 695 022.
Residing at Qtr.No.VIII/65, ISRO Staff Quarters,
Pallithura P.O., Thiruvananthapuram – 695 586.
84. Ajith Kumar.K.P.,
Technician D, SC No.VS 10371,
EPMD/APPG/AVN/VSSC,
ISRO P.O., Thiruvananthapuram – 695 022.
Residing at K.P.Nivas, Karippoor P.O.,
Nedumangad, Thiruvananthapuram – 695 542.
85. Jayan.K.,
Technician F, SC No.12304,
DCS/APFD/AVN, VSSC,
ISRO P.O., Thiruvananthapuram – 695 022.
Residing at Qtr. No.VIII/41, ISRO Staff Quarters,
Pallithura Post, Thiruvananthapuram – 695 586.
86. Santhosh Kumar.R.,
Technician F, SC No.36389,
APFD/APPG/AVN/VSSC,
ISRO P.O., Thiruvananthapuram – 695 022.
Residing at Sugunalayam, Menamkulam,
Kazhakuttom P.O., Thiruvananthapuram – 695 582.
87. Rajani.C.,
Technician F, SC No.15104,
APFD/APPG/AVN/MSB/VRC, VSSC,
ISRO P.O., Thiruvananthapuram – 695 022.
Residing at Krishnakripa, Kavottumukku, Menamkulam,
Kazhakuttom P.O., Thiruvananthapuram – 695 582.
88. Raji.C.R.,
Technician F, APFD/APPG/AVN/MSB/VRC/VSSC,
ISRO P.O., Thiruvananthapuram – 695 022.
Residing at Panamkoottathil House,
Nalukeetu P.O., Konoor, Thrissur – 680 308.

89. Manoj.V.S.,
Technician D, SC No.13506,
CSL/CASG/AVN/VRC/VSSC,
ISRO P.O., Thiruvananthapuram – 695 022.
Residing at VS Sadhanam, Melathumela, PURA 168,
Manikandeswaram P.O., Thiruvananthapuram – 695 013.
90. Hari.M.C.,
Technician D, SC No.12037,
CSL/CASG/AVN, VRC, VSSC,
ISRO P.O., Thiruvananthapuram – 695 022.
Residing at Hari Sadanam, Uzhavoor P.O.,
Kottayam – 686 634.
91. Krishnakumar.V.K.,
Technician D, SC No.12983,
CSL/CASG/AVN/VRC, VSSC,
ISRO P.O., Thiruvananthapuram – 695 022.
Residing at Priya Cottage, Palakunnu,
Chirayinkil P.O., Thiruvananthapuram – 695 304.
92. Muraleedharan.P.,
Technician D, SC No.VS 13536,
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ISRO P.O., Thiruvananthapuram – 695 022.
Residing at Pattiathu Valappil House,
Velur P.O., Thrissur – 680 601.
93. Sanu.T.K.
Technician D, SC No.36600,
CMD/EAC-VRC, VSSC,
ISRO P.O., Thiruvananthapuram – 695 022.
Residing at Thannickal, SL Puram P.O.,
Alappuzha – 688 523.
94. Selma.S.,
Technician D, SC No.VS 36651,
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ISRO P.O., Thiruvananthapuram – 695 022.
Residing at Mazhavancheril House,
Karapuzha P.O., Kottayam – 686 003.
95. Arun Kumar.M.,
Technician D, SC No.10470,
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96. J.Raja Moses,
Technician F, SC No.15131,
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Residing at R22 TC 8/1816 Sreevalsam, Udayagiri Nagar,
Thirumala, Thiruvananthapuram – 695 006.
97. Sajeesh.K.S.,
Technician F, SC No.36380,
PFC/PCM/VSSC,
ISRO P.O., Thiruvananthapuram – 695 022.
Residing at Qtr.No.B-122, ISRO Staff Quarters,
Pallithura P.O., Thiruvananthapuram – 695 586.
98. Shalu.T.P.,
Technician F, SC No.36383,
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ISRO P.O., Thiruvananthapuram – 695 022.
Residing at Thekke Poyil House, Vennakkad,
Koduvally P.O., Kozhikode – 673 572.
99. Prasanth.P.K.,
Technician F, SC No.24856,
HT (OQM) CMD/CMG/VRC, VSSC,
ISRO P.O., Thiruvananthapuram – 695 022.
Residing at Pettikhavadakkethil Ulunthy,
Peringilipuram P.O., Alappuzha – 689 624.
100. Vijayakumar.T.P.,
Technician D, SC No.37997,
CMD/EAC, VRC, VSSC,
ISRO P.O., Thiruvananthapuram – 695 022.
Residing at Therukulathil Padi House, Kuttippala,
Vettamkulam P.O., Malappuram – 679 578.
101. Anilkumar Earian,
Technician D, SC No.10358,
LARD/LTVG/ICF/MVIT/VSSC,
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Residing at Qtr. No.VIII/39, ISRO Staff Quarters,
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102. Aneesh Kumar Paleri,
Technician D, SC No.10304,
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ISRO P.O., Thiruvananthapuram – 695 022.
Residing at Qtr.No.VIII/42, ISRO Staff Quarters,
Pallithura Post, Thiruvananthapuram – 695 586.

103. Syamkumar.K.,
Technician D, SC No.36613,
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ISRO P.O., Thiruvananthapuram – 695 022.
Residing at Pulari, Vilayikulam, Kaniyanvilakam,
Kazhakkootam, Thiruvananthapuram – 695 582.

104. Aneesh Kumar.K.,
Technical Assistant, SC No.10292,
WTID/ADTG/AERO, VSSC,
ISRO P.O., Thiruvananthapuram – 695 022.
Residing at Qtr.No.B/158, ISRO Staff Quarters,
Pallithura P.O., Thiruvananthapuram – 695 586.

...Applicants

(By Advocate Mr.Vishnu S Chempazhanthiyil)

v e r s u s

1. The Director,
Vikram Sarabhai Space Centre,
Thumba, ISRO P.O., Thiruvananthapuram – 695 022.

2. The Secretary & Chairman,
Department of Space,
Antariksh Bhavan, New BEL Road,
Bangalore – 560 094.

...Respondents

(By Advocate Mr.N.Anilkumar, SCGSC)

This application having been heard on 21st January 2021, the Tribunal on 5th February 2021 delivered the following :

ORDER

Per : Mr.K.V.EAPEN, ADMINISTRATIVE MEMBER

The applicants are all Technicians (104 in number) working in Vikram Sarabhai Space Centre (VSSC) under the Department of Space (DoS)/Indian Space Research Organization (ISRO). They are aggrieved by denial of entitled placement in PB-1 Rs.5200-20200 with Grade Pay Rs.2400/- on the basis of pay revision effected consequent on implementation of 6th CPC. They submit that the Ministry of Finance, Department of Expenditure, issued CCS (RP) Rules, 2008. The

recommendations of the 6th CPC were considered by the DoS for implementation. A meeting of staff side of Departmental Council of JCM with the officials of DoS headed by Joint Secretary, DoS on 08.09.2008 considered the major demands raised by the staff. The major demand raised by the staff was for induction entry of Technicians in the DoS in the pay scale of Rs.4500-7000 (pre-revised) and restructuring of Technicians Cadre. The issue of implementation of revised pay rules was then reviewed in a meeting by Secretary, DoS on 09.09.2008. It was decided to place the proposal of DoS for adoption of revised pay structure before the ISRO Council for consideration. The ISRO Council considered the issue after looking at all aspects and took a specific decision with respect to Technician/Tradesman category. It was noted that all existing Tradesman/Draftsman in Rs.3050-4590 (pre-revised) will be moved to Rs.4000-6000 (pre-revised) after review process and future entry level for Tradesman (with SSLC + ITI) will be in the scale of Rs.4000-6000 vide (Memorandum at Annexure A-1). The applicants submitted that it is evident from a reading of Annexure A-1 that the ISRO Council, which is the supreme authority with regard to implementation of pay scales and restructuring of cadres had made a clear recommendation to raise induction scale of Technicians/Tradesman to Rs.4000-6000 (pre-revised) ie. the present Grade Pay of Rs.2400/- with effect from 01.01.2006. However, the recommendations of the ISRO Councils for upgradation of pay of Technicians category were not implemented and given the go by and the induction scale was fixed at PB1 Rs.5200-20200 with Grade Pay of Rs.1900/- which was the revised pay structure in respect of induction

scale of Technician/Tradesman ie. Tradesman A/Technician A in the scale of pay of Rs.3050-4590 (pre-revised). This was done as per Annexure A-3 schedule which is the relevant portion of the schedule to Annexure A-1.

2. The applicants submit that the DoS had appointed a Committee under the Director, ISAC to examine the issue of implementation of decisions of ISRO Council without creating anomalies. This Committee submitted a report to raise the Technicians induction scale to Grade Pay of Rs.2400/- ie. to raise the induction scale to Rs.4000-6000 (pre-revised) and restructure the entire grade by redesignation. A copy of this recommendation has been produced at Annexure A-4. However, the DoS constituted another high power committee as per Office Order dated 29.10.2009 (at Annexure A-5) under the Chairmanship of Shri.M.Chandradathan, Director, SDSC-SHAR to look into the issues relating to raising of Grade pay/career improvement of Technician category. It was noted in the opening paragraph of the Office Order setting up this Committee that one of the demands of the staff side has been for raising the grade pay of Technician A (induction level) from Rs.1900/- to Rs.2400/- and in the process to award one grade pay up to all the existing Technicians in ISRO Centres/Units. The terms of reference of the Committee included specifically at Point (e) to look at the *“Enhancement of Grade Pay to Rs.2400/- to Technician A (induction level) without creating any pay anomalies to the existing personnel in the cadre.”* The Committee presented its report on 10.02.2010 (at Annexure A-6). The main recommendation was

to have the induction level of Technician cadre to be enhanced to Technician B in the pay band of Rs.5200-20200 with grade pay of Rs.2000 (PB1) with ITI qualification. It also recommended that those who are being recruited as Technician B in the grade pay of Rs.2000/- with ITI qualification will be eligible for review for promotion to the grade of Technician D on completion of 3 years of service in Technician B grade. The Committee examined in detail the matter of awarding higher induction level from Rs.1900/- to Rs.2400/- in Technician Cadre. After studying all implications in case the induction level is enhanced from Rs.1900/- to Rs.2400/- it recommended that, on balance, the issues will be settled in case the Grade Pay is raised to Rs.2000/-.

3. The applicants have assailed the report of the High Power Committee under Dr.M.Chandradathan saying that it has gone beyond the mandate/terms of reference at Annexure A-5, as the mandate/terms of reference was not to suggest a new induction scale but was to suggest ways to enhance Grade Pay to Rs.2400/- in respect of induction level of Technicians. It has also gone against the recommendations of the ISRO Council, as reflected in Annexure A-1 which clearly recommended to raise induction scale of Technicians/Tradesman to Rs.4000-6000 (pre-revised) ie. the present Grade Pay of Rs.2400/- with effect from 01.01.2006 as well as the report of the Committee at Annexure A-4, to look at anomalies, which also had recommended induction scale with Grade Pay of Rs.2400/- for Technicians.

4. It is submitted by the applicants that the VSSC/ISRO has now gone ahead and implemented the recommendations of the High Power Committee at Annexure A-6. The Technicians, who are applicants in this O.A, had given representations to the respondents such as at Annexure A-7 and Annexure A-7(a) against the implementation of this Grade Pay as part of the induction pay of Technician. They had filed O.A.No.507/2014 before this Tribunal due to inaction by the respondents. This was disposed of taking note of their grievances and directing the 2nd respondent, the Secretary, DoS, Bangalore/Chairman, ISRO to consider Annexure A-7 and similar representations and to grant a personal hearing. It was also directed that the 2nd respondent would consider the plea taken in the O.A while taking a decision. Since this was not implemented even after 6 months by the respondents, coercive steps by way of filing a Contempt Petition were taken. The applicants were granted a personal hearing which was however delegated to be undertaken by Shri.M.Chandradathan, Director, VSSC in spite of the fact that the direction in the O.A was to the 2nd respondent, Secretary, DoS/Chairman, ISRO to conduct a personal hearing. However, the 2nd respondent delegated the power of hearing to Shri.M.Chandradathan. After hearing the applicants, orders were passed rejecting the claim of the applicants, which is produced at Annexure A-9.

5. The applicants submit that the Annexure A-9 order completely ignores the recommendations made by the ISRO Council as well as the recommendations of the Committee appointed to examine the implementation of recommendation of ISRO Council at Annexure A-4. The

above expert bodies had looked into various factors and had given an expert solution. The brushing aside the same by the 2nd respondent is totally unjustified. Further, it can be seen that the mandate of the High Power Committee constituted as per Annexure A-5 is very specific ie. for enhancement of Grade Pay to Rs.2400/- to Technician A (induction level) without creating pay anomalies to the existing personnel in the cadre. Instead, the High Power Committee substituted its own wisdom overlooking the mandate in Annexure A-5 and made a new recommendation in Annexure A-6 suggesting that induction level of Technician cadre should be in the Pay Band of Rs.5200-20200 with Grade Pay of Rs.2000/-. The 2nd respondent should have ignored the recommendations at Annexure A-6 which was in violation of the mandate at Annexure A-5. The reliefs, therefore, sought by the applicants in the O.A are as follows :

- (a) Direct the respondents to consider implementing ISRO Council's decision in the matter of induction scale of Technicians in VSSC/ISRO in the light of recommendation of Dr. Alex Committee at Annexure A-4 with effect from 01.01.2006.*
- (b) Direct the respondents to consider granting induction scale for Technicians in VSSC like the applicants in PB-1 Rs.5200-20200 with GP Rs.2400/- or higher Grade Pay, as is being granted to Technicians in other Central Government Offices like CISF/Prasar Bharati with effect from 01.01.2006.*
- (c) Call for the records leading to the issue of Annexure A-9 and set aside Annexure A-9.*
- (d) Any other further relief or order as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice.*
- (e) Award the cost of these proceedings.*

6. Among the grounds mentioned by the applicants is that organisations like CISF and Prasar Bharati provide induction scale at Rs.2800/- (PB1 Rs.5200-20200 + GP Rs.2800/-) to CISF and GP of Rs.2400/- (PB1 Rs.5200-20200/- + GP Rs.2400/-) to Prasar Bharati. Thus, it is just and fair that the Technicians of a premier scientific organisations like ISRO are given a better deal. Another ground mentioned is that the effective date of revision of pay of the Technicians, which is on the basis of the recommendations of the 6th CPC, should be from 01.01.2006. However the Annexure A-6 report of the High Power Committee has been accepted and implemented only with effect from 24.03.2010. Thus the effective date is much later than the effective date of the 6th CPC ie., 01.01.2006. A further ground is that the ISRO Council which is the highest authority in the DoS, which makes recommendations regarding implementation of the Pay Commissions, had after taking into account existing structure, qualification, residency period, existing scale, functional considerations/disturbances and need for restructuring each cadre, made its decision with regard to restructuring of pay scales in respect of all categories. Their recommendations are binding on the 2nd respondent who is not competent to ignore the recommendations of the ISRO Council. Further, the recommendations of the expert body consisting of participants of JCM headed by the Director of ISAC had also submitted a report and recommended induction scale of Rs.2400/- to the Technicians. As such, Annexure A-6 goes against this expert body also.

7. The applicants submit that one of the basic objections raised against hiking the induction level Grade Pay, was that increasing the induction level Grade Pay from Rs.1900/- to Rs.2400/- would result in stagnation in the higher level as the highest Grade would be achieved within 24 years instead of the present residency period of 27 years. Para 4 of Annexure A-6 deals with analysis of various issues in case the induction level is enhanced from Rs.1900/- to Rs.2400/-. However after Annexure A-6 was submitted, the applicants submit that a new Grade was introduced ie. Grade Pay of Rs.7600/- for those who have completed 7 years in the Grade of Rs.6600/-. Thus, they submit that the very basic objection to decline the claim for induction level Grade Pay to be enhanced to Rs.2400/- has been nullified. This was however not mentioned and was completely ignored while issuing Annexure A-9. A further reason cited in Annexure A-6 and Annexure A-9 to deny enhanced induction scale was that same would result in fresh recruits getting higher basic pay than existing Technicians in the cadre. According to Annexure A-6, initial pay of a fresh recruit would be Rs.9910/- which would be more than those who are in service and have earned promotion to GP of Rs.2400/- and that there was no provision for rectifying the anomaly. The applicants submit that the said reasoning is totally baseless, as, to solve such issues, the Government of India has issued orders for grant of stepping up of pay vide order dated 11.01.2012 issued by DoPT. The DoS itself, acknowledging anomaly in seniors drawing less pay in the cadre of Technician, has issued orders for stepping up vide O.M dated 03.09.2015 issued by VSSC.

8. Another ground brought out by the applicants is that except Technicians, one grade upgradation was granted to Technical Assistants and Scientists/Engineers in DoS ie. for Technicians from Rs.5000-8000 to Rs.5500-9000 and for Engineers from Rs.6500-10500 to Rs.8000-13500. Thus except for Technicians every other cadre was given one grade upgradation, which is hostile discrimination against Technicians. An additional ground is that the Scientific/Technical Assistants are usually awarded Grade Pay of Rs.4200/- in other S&T Departments. However, in DoS, the Scientific/Technical Assistants have been assigned Grade Pay of Rs.4600/-. While the grant of GP of Rs.4600/- to Technical/Scientific Assistant is totally justified, denial of similar treatment in respect of Technicians in DoS is not justified at all.

9. Per contra, the respondents in their reply have submitted that the recruitment/career opportunities of all personnel working in ISRO and its centres/units are decided by the DoS/ISRO after considering various aspects. The existing qualification for recruitment/induction to the post of Technicians in different trades is SSLC/SSC pass with ITI/NTC/NAC pass certificates in the concerned trade. The Technicians are being inducted in the Pay Band of Rs.5200-20200/- with Grade Pay of Rs.2000/- with effect from 24.03.2010. As regards the recommendations of the ISRO Council, it is submitted by the respondents that the Council had reviewed the proposal of the Department taking into account all the relevant factors and put forth its recommendations to the Department. This was further examined in the Department and put up to the Secretary of the DoS in the official channel as

can be seen at Annexure A-1. This shows that the ISRO Council is not the supreme authority as contended by the applicants but only the Apex Body in ISRO. The suggestions of the DoS for implementing the revised pay rules in ISRO is to be apprised to the Council along with recommendations/suggestions, if any, for consideration by the Department before implementing the revised pay rules in ISRO. The Department had constituted the High Power Committee with specific mandates (as contained in Annexure A-5 dated 29.10.2009) considering the demands of the staff side for enhancement of the induction grade of Technician category, their career improvement, the suggestions of the Departmental Anomaly Committee and the recommendations of the ISRO Council for the enhancement of the induction grade pay for Technician category etc. This Committee had analysed all the relevant factors and likely anomalies that would emerge due to changes in the cadre structure of Technicians and submitted its report in Annexure A-6. It is submitted that the recommendations of various Committees/Councils are not binding on the Department for implementation as they are recommendatory in nature. The Department has to further examine the recommendations holistically as was done for the report in Annexure A-6 and then accordingly take a decision for implementation, avoiding any anomalies that may emerge out of such decisions.

10. Further, it is submitted that the nature of job requirements for each grade may vary from establishment/department/Ministries to establishment/departments/ Ministries. In ISRO, the qualifications

prescribed for the post of Technician in the Pay Band (PB-1) of Rs.5200-20200/- with a Grade Pay of Rs.2000/- is Matriculation + ITI/NTC/NAC only; whereas, the qualifications prescribed for the post of Assistant Sub Inspector in the Grade Pay of Rs.2800/- in CISF, in addition, requires a minimum experience of 3 years in the respective trades. If the candidate has no experience, they require a 3 year Diploma course in the relevant discipline. In the advertisement of the CISF released in September 2014 the induction level notified for similar qualifications of Matriculation + ITI/NTC/NAC, without any experience, was for a Grade Pay of Rs.2000/-, as has been done in ISRO. Similarly, in Prasar Bharati also, the educational qualification prescribed for the post of Technician in the Grade Pay of Rs.2400/- is a two year Diploma in an Engineering discipline after 12th standard, which is much higher than the qualifications prescribed for the post of Technician in ISRO. Thus, the comparison made by the applicants with the Technicians of CISF and Prasar Bharati will not stand, as the qualifications prescribed and the nature of job are different in those organizations.

11. it is submitted that the high power committee had come to the conclusion that there would be anomalies which would occur in the cadre structure in case the enhancement of Grade Pay from Rs.1900/- to Rs.2400/- was agreed to. Therefore, even though it was not included specifically in the terms of reference, the Committee suggested a new Grade Pay of Rs.2000/- for inductees after considering the fact that if the proposal to enhance the Grade Pay to Rs.2400/- is recommended, anomalies will be created in the

entire cadre structure. The respondents again submit that the recommendations of various committees/councils are not binding on the Department as these are only in the nature of recommendations. The Department has to further examine the recommendations holistically, considering various aspects such as whether it will create more anomalies etc. The allegation that the high power committee went beyond the mandate given by the department is not correct as it had to analyse all relevant factors including the possible pay anomalies that would arise between a direct recruit joining in the organization, if enhancement of induction Grade Pay from Rs.1900/- to Rs.2400/- was approved, with that of an existing employee. It is further submitted that the understanding of the applicants that the High Power Committee was only constituted to suggest ways to enhance Grade Pay to Rs.2400/- is not correct. Annexure A-5 clearly states that the mandate of the High Power Committee was to look into the issues relating to the enhancement of the Grade Pay/career improvement of Technician category etc. without creating any pay anomalies to the existing personnel in the cadre.

12. In addition to this, it is submitted that the Department has formulated a career progression from the induction pay ie. PB-1 Rs.5200-20200/- with Grade Pay of Rs.2000/- upto PB-3 in the Grade Pay of Rs.7600/- which is the Grade Pay equivalent to a Scientist/Engineer SE & Scientific/Technical Officer SE in ISRO. Thus, a person with an ITI qualification joining ISRO has ample opportunities for career advancement upto the level of Assistant Engineer in PB-3 with a Grade Pay of Rs.7600/-. Various other incentives

and relaxations are available for Technician including reasonable benefits like variable increments under performance related incentive scheme etc. As regards the contention that the Tribunal had directed the Secretary, DoS to consider and dispose of the representation preferred by the applicants, giving them reasonable opportunity of a personal hearing, the same has been duly obeyed. The Secretary, Department of Space had appointed Shri.M.Chandradathan, the then Director, VSSC as a one man committee to take a personal hearing from the applicants in the said O.A. After considering all the relevant aspects and the grievances raised by the applicants into consideration and also after giving them due opportunity of hearing through the one man committee, the Secretary, DoS has examined the case and has disposed of the representation of the applicants vide Memorandum dated 20.03.2016 (Annexure A-9). It is submitted that, in a Government of India Organisation, delegation of power to the subordinate authority is a common practice and the appointment of the one man committee is as per such procedures. The person selected was competent and having a better understanding about the issues. Therefore, as directed by the Tribunal, reasonable opportunity of personal hearing was extended to the applicants in the O.A. It is submitted that the Tribunal itself was satisfied with the compliance of the order dated 15.07.2014 by the Department and had closed the Contempt Petition in the O.A.No.507/2014.

13. A ground made in the O.A was relating to the residency period required to reach the maximum of the career progression in Technician/Draughtsman cadre if the induction level Grade Pay was

enhanced to Rs.2400/-. The High Power Committee had observed that it could result in achieving the highest level within 24 years instead of the present residency period of 27 years and that there will be a reduction of 3 years in the residency period in the hierarchy. A fast track promotee would therefore reach the highest grade within 24 years of service and stagnate for many more years in the highest grade. The Committee had analysed all relevant factors including the pay anomalies that would arise between a direct recruit joining the organization after enhancement of induction Grade Pay from Rs.1900/- to Rs.2400/- with that of the existing employee (promotee) in the Grade Pay of Rs.2400/-. It also analysed the demand for combined service/reduced residency for consideration for promotion to the next higher grade for those who are already holding the Grade Pay of Rs.2400/- and above in the Technician/Draughtsman cadre. The Committee recommended to provide a reduction in the residency period of one year for all the existing personnel in Technician/Draughtsman category upto the Grade Pay of Rs.5400/- for considering their case for promotion to the next higher grade. The report of the Committee was examined by the Department in detail and after taking into account all the relevant factors, a new grade in the Technician/Draughtsman category in the PB3 Rs.15600-39100/- with Grade Pay of Rs.7600/- with the designation of Assistant Engineer was created by the Department. This was an additional career benefit to the entire Technician/Draughtsman cadre which applicants can also avail in their career.

14. Another reason for non recommending the Induction Grade Pay to Rs.2400/- was that the same would result in fresh recruitees getting a higher basic pay than an existing Technicians in the cadre, as can be seen from the report at Annexure A-6. The promotees will be getting the Grade Pay of Rs.2400/- after completing 3 years service/experience after induction, whereas if the induction Grade Pay was enhanced to Rs.2400/- without changing the recruitment norms, new recruits would be getting Rs.2400/- without any experience, which is not justified. Further, regarding the contention of the applicants for stepping up of pay in terms of Department of Personnel and Training O.M dated 11.01.2012, it is submitted that this O.M is not applicable in the case of the applicants in this O.A., as that order relates to the Senior All India Service Officers of IAS/IPS/IFS for rectifying the pay anomalies on account of fixation of pay on promotion including promotion from State Service to All India Service. In addition, the O.M dated 03.09.2015 issued by DoS is also not for dealing with stepping up of pay, but to rectify the anomalies if any that would arise while considering the cases for promotion to the next higher grade consequent on restructuring of the Technician/Draughtsman category during May 2012.

15. It is submitted therefore that no hostile treatment has been shown against the cadre of Technicians in ISRO. It is also submitted that the Department reviewed the cadre structure for different cadres separately as the qualifications at the induction point and the job requirements are not similar. The induction pay and other associated provisions made for career progression in one cadre is not directly applicable to the other cadres and

restructuring of other cadres was done based on their own merit and requirements. Hence, the argument of fixing Grade Pay of Rs.4600/- to Technical/Scientific Assistant is not a justification for consideration of the enhancement of induction Grade Pay to Rs.2400/- in the Technician cadre. It is submitted that the Technician category has already been restructured on two occasions within a span of the past five years and any further change in induction scale would lead to disturbance in the cadre.

16. In response to these detailed submission of the respondents the applicants filed a rejoinder in which they have more or less repeated the same arguments as in the O.A. They once again submitted that the recommendations of the ISRO Council as well as the Anomaly Committee set up before the High Power Committee, should be binding. The High Power Committee has gone beyond the mandates given to them. They alleged that the DoS has been neglecting the cause of Technicians who are infact the best in the country working in cutting edge technologies and making the country proud. Over a period of time, the administrative staff have started to draw more pay than that of the Technicians. The Secretary & Chairman, DoS has ignored the orders of the Tribunal to take a decision on their representations by delegating the Chairman of the High Power Committee to hear out the applicants' grievances against his own report. Thus, the outcome of such a hearing was a foregone conclusion as the 1st respondent who was authorized by the 2nd respondent cannot be expected to give a report as against his own recommendations.

17. The respondents filed an additional reply statement reiterating the points made in the reply statement. It is submitted that the essential qualification for recruitment to the post of Technicians in different trades in VSSC/ISRO is SSLC/SSC pass with ITI/NTC/NAC pass certificates in the concerned trade. After considering the demands of the staff side of the Joint Consultative Machinery to improve the induction level and career progression in the Technician category, and also taking into account the report of the High Power Committee constituted by the department for looking into the issues relating to raising the induction level Grade Pay and consequent career progression in Technician category, the department had enhanced the induction level of the Technician cadre from Technician A to Technician B and also raised the induction Grade Pay from Rs.1900/- to Rs.2000/- in the PB-1 with effect from 24.03.2010. The candidates applying for the jobs are made well aware of the remuneration and other service benefits through the advertisements for the job and are requested to report for duty, only if the offer of appointment was acceptable to them. After securing the job by accepting the offer of appointment and also the terms and conditions mentioned therein, the applicant are now claiming for enhancement of the induction pay, which cannot be acceded to. The Secretary, DoS had appointed Shri.M.Chandradathan, the then Director, VSSC for taking personal hearing from the applicants in the O.A.No.507/2014. After considering all the relevant aspects and the grievances raised by the applicants before the Committee, the Department disposed of their representations vide Annexure A-9 Memorandum dated 20.03.2015 informing them that further restructuring of the Technician cadre is not found feasible.

18. It is submitted that High Power Committee had gone into all issues, including looking at the impact of enhancing the induction level Grade Pay of Technician from Rs.1900/- to Rs.2400/-. It had also studied the associated consequential effects which may, among other things, crop up relating to pay of a direct recruit and a promotee. The Committee had observed that the existing career progression path for the Technician and Draughtsman categories is very well defined and avoids stagnation of personnel in the category. If the induction level was raised to Rs.2400/- it could result in reduction of minimum three years in the residency in the hierarchy and a fast track promotee would reach the highest grade pay within 24 years of service and stagnate for more than 15 years in his/her service. It is submitted that, duly considering all the aspects, the Committee recommended for enhancing the induction level of the Technician cadre from Technician A to Technician B with Grade Pay of Rs.2000/- in PB1. Further, the Committee also recommended for one year residency period reduction for promotion to the next higher grade, for the existing personnel in the Technician/Draughtsman categories of the cadre as on 24.03.2010.

19. After considering all the recommendations, the Department of Space has raised the induction level of Technician category to Technician B with Grade Pay of Rs.2000/-. It has also created a new grade in the Technician/Draughtsman category in PB-3 with Grade Pay of Rs.7600/- with the designation of Assistant Engineer (Group A). It is submitted that this decision of the DoS has gone beyond the recommendations given in the High Power Committee. It shows that the recommendations of any of the

Committees or the Councils are not binding on the Department and it is only recommendatory in nature. If the prayers of the applicants are allowed, it would upset the entire cadre structure and will result in a number of anomalies at each level. As far as the allegation that the enhancement of the induction Grade Pay of Rs.2000/- was done from an arbitrary date ie., 24.03.2010, it is submitted that the enhancement of the induction Grade Pay was not done based on the recommendations of the 6th CPC. The Pay Commission had recommended the corresponding revised Pay Band and Grade Pay for the scale of pay in the 5th CPC, and the corresponding revised Grade Pay was accordingly given to the applicants in the O.A with effect from 01.01.2006. Any allegations to the contrary are not true to facts. As regards the allegation that the 6th CPC had recommended the induction scale of qualified matriculate Technician to be in the Grade Pay of Rs.2800/-, it is submitted that the induction and career progression of the Technician category of the DoS/ISRO cannot be compared with Technicians in other Ministries/Departments. It is submitted that once a Technician/Draughtsman is inducted in the DoS, he has an excellent career path to reach upto the Grade Pay of Rs.7600/- in PB-3 (6th CPC) equivalent to level 12 in the Pay Matrix (7th CPC) within a span of 32 years from the date of his/her induction under the Merit Promotion Scheme. The other Ministries/Departments/Organizations have cadre structure/career progression for the category of Technician only upto the Grade Pay of Rs.4600/- in PB-2 (6th CPC). Thus, the contentions raised by the applicants stand on a different footing and are incomparable and unrelated to the DoS.

20. It is submitted by the respondents that the entry level pay, the career progression, the pay structure, perquisites and incentives of the Scientific and Technical support staff vary in each department, commensurate with the recruitment norms/rules. It is reiterated that the High Power Committee had analysed in depth all the relevant factors and the likely anomalies that would emerge if an enhancement from Grade Pay of Rs.1900/- to Grade Pay of Rs.2400/- was agreed to. As already indicated, the Committee after elaborate analysis observed that if the induction pay of Technician is enhanced to Rs.2400/- it would create pay anomalies in the pay of existing personnel in the cadre with that of new recruits. However, as one of the terms of reference was the enhancement of the Grade Pay of Technicians, the Committee analysed the feasibility of enhancing the induction Grade Pay to some extent and then made specific recommendation of enhancing the induction Grade Pay from Rs.1900/- to Rs.2000/-. The contention that the High Power Committee was constituted mainly to suggest ways to enhance Grade Pay to Rs.2400/- is not correct. It was to look into the issues relating to the raising of the Grade Pay/career improvement of Technician category, which is clear from Annexure A-5 order dated 29.10.2009. Thus, it was competent to suggest the induction scales taking into consideration of the anomalies that would arise in the cadre. In addition, the allegation that Annexure A-6 report has been accepted and implemented only with effect from 24.03.2010 whereas it was on the basis of the recommendations of the 6th CPC and should be effective from 01.01.2006 is not correct. It is submitted that the enhancement in the induction pay of the Technician was not based on the recommendations of the Pay Commission but it was purely

a decision of the DoS. The Department has, therefore, the prerogative to fix the effective date of the enhancement in the induction pay. The Pay Commission submitted its recommendations with revised Pay Band and Grade Pay for each pay scale in the 5th CPC and only such revised pay is effective from 01.01.2006. As such, applicants are not entitled for the enhancement in the induction pay with effect from 01.01.2006.

21. It is submitted in the additional reply statement that the Department has created a higher grade in the hierarchy in the Technician/Draughtsman cadre for their further career growth, and allegations to the contrary are not true to facts. The applicants have challenged the induction level pay structure and career path of the Technician cadre, disputing the induction pay being granted to the fresh recruits, ignoring the fact that ISRO is one of the few organizations under the Government of India, where a Technician who enters service with the Grade Pay of Rs.2000/- can grow very high in career up to the Grade Pay of Rs.7600/- in PB-3.

22. We have heard Shri.Vishnu.S.Chempazhanthiyil, learned counsel for the applicants and Shri.N.Anilkumar, learned SCGSC for the respondents. We have also gone through the documents provided by the learned counsel. One of the main grounds taken by the applicants in this matter is that the recommendations of the ISRO Council as well as the recommendations of the Committee headed by the Director, ISAC was in favour of granting the Grade Pay of Rs.2400/- and denying the same is unjust, illegal and arbitrary. It is submitted by the applicants that the ISRO Council, which is the highest

authority in the DoS and which makes the recommendations regarding implementation of Pay Commission had taken into account the existing structure, qualification, residency period, existing scales, functional considerations/disturbances and need for restructuring each cadre. It made its decision with regard to restructuring of pay scales in respect of all categories and thus its recommendations are binding on the 2nd respondent. It is submitted that the 2nd respondent (Secretary, DoS) is not competent to ignore the recommendations of the ISRO Council. The Committee under the Director, ISAC was specifically appointed to examine recommendations of ISRO Council. As the Annexures A-9/A-6 go against the expert opinion of ISRO Council and that of the Committee, Annexure A-9 warrants interference and is liable to be set aside.

23. In this connection, we note that the decision of the Hon'ble Supreme Court in **2010 (11) SCC 694 (State of West Bengal v. Subhas Kumar Chatterjee & Ors.)** is relevant. In this case, it was held that the State in its wisdom and in furtherance of its valid policy may or may not accept recommendations of Pay Commission. In Paragraph 14 of the judgment it is recorded as follows :

*“14. This Court time and again cautioned that the court should avoid giving a declaration granting a particular scale of pay and compel the Government to implement the same. Equation of posts and equation of salaries is a matter which is best left to an expert body. Fixation of pay and determination of parity in duties and responsibilities is a complex matter which is for the executive to discharge. **Even the recommendations of the Pay Commissions are subject to acceptance or rejection, the courts cannot compel the State to accept the recommendations of the Pay Commission though it is an expert body.** The State in its wisdom and in*

furtherance of its valid policy may or may not accept the recommendations of the Pay Commission. It is no doubt true, the constitutional courts clothed with power of judicial review have jurisdiction and the aggrieved employees have remedy only if they are unjustly treated by arbitrary State action or inaction while fixing the pay scale for a given post.”

(emphasis added)

24. It is therefore clear to us that any recommendations regarding pay scales, including Grade Pay, whether by way of a Pay Commission report or by a recommendation from a Statutory Council which may be the highest policy making body in an organization or any Committee set up to examine anomalies or such matters is not binding on the organization, which has to take its own decision after considering all matters. In this case, we have already elaborately brought out how the DoS took a decision on the basis of many factors including impact on other classes of employees, size of the expenditure involved and other relevant issues. The Hon'ble Supreme Court in **Union of India v. TVLN Mallikanjana Rao 2015 (3) SCC 653** also has held that pay scale fixation, revision, classification and determination of pay structure is within the exclusive domain of the executive. The Tribunal cannot sit in appeal over the wisdom of the executive in prescribing a certain pay structure and grade in a particular service, unless it is shown to be in violation of Articles 14 and 16 of the Constitution. It has been held that differences in pay scales based on educational qualifications, nature of job, responsibility, accountability qualification, experience and manner of recruitment does not violate Article 14 of the Constitution. In this context, it is noted that the High Power Committee made its recommendations specifically with the intention of not creating any anomaly for the existing personnel in the cadre. We do not

accept the argument that this Committee did not have a right to recommend a new pay scale as per its mandate. Point (e) in Annexure A-5 Terms of Reference only mentions that the Committee needs to look at the issue of enhancement of Grade Pay to Rs.2400/- to Technician A (induction level), without creating any pay anomalies to the existing personnel in the cadre. The recommendation for a new Grade Pay of Rs.2000/- has been made after examining the impact in case the induction level is enhanced from a Grade Pay of Rs.1900/- to Rs.2400/-. This has included looking at the career progression path for the Technician/Draughtsman category. Having analysed the same, the Committee came to a conclusion that the Grade Pay of Rs.2000/- is appropriate for the Technician/Draughtsman cadres at induction level. We therefore do not find that it has gone beyond its mandate in making this recommendation.

25. The applicants had also contrasted scales in various organizations like CISF and Prasar Bharati in order to establish that comparable posts in those organizations provided induction scale at Grade Pay Rs.2800/- and Rs.2400/- respectively. This matter has been dealt with in detail in the response of the respondents which has been brought out in the earlier paragraphs. It is seen that the qualifications for recruitment/induction to the post of Technician in the ISRO is different and is, at a level, which is less than what is prescribed in these other organizations. In addition to this, the decision of Hon'ble Supreme Court in **(2002) 6 SCC 72 State of Haryana & Anr. v. Haryana Civil Secretariat Personal Staff Association** is relevant. The Apex Court has clearly stated that the fixation of pay and

determination of parity in duties is the function of the executive. The courts should interfere with administrative decisions pertaining to pay fixation and pay parity only when they find such a decision to be patently irrational, unjust and prejudicial to a section of the employees and if it is taken in ignorance of material and relevant factors. In Paragraph 10 of the judgment it is observed as follows :

*“10. It is to be kept in mind that the claim of equal pay for equal work is not a fundamental right vested in any employee though it is a constitutional goal to be achieved by the Government. **Fixation of pay and determination of parity in duties and responsibilities is a complex matter which is for the executive to discharge.** While taking a decision in the matter, several relevant factors, some of which have been noted by this Court in the decided case, are to be considered keeping in view the prevailing financial position and capacity of the State Government to bear the additional liability of a revised scale of pay.**The courts should approach such matters with restraint and interfere only when they are satisfied that the decision of the Government is patently irrational, unjust and prejudicial to a section of employees and the Government while taking the decision has ignored factors which are material and relevant for a decision in the matter.....**The court should avoid giving a declaration granting a particular scale of pay and compelling the Government to implement the same.”*

(emphasis added)

26. A further ground brought forth by the applicants is that the respondents' point that increasing the induction level Grade Pay from Rs.1900/- to Rs.2400/- would result in stagnation in the higher level as the highest grade will be achieved within 24 years instead of the present residency period of 27 years, has now been removed by the introduction of a new grade ie. Grade Pay of Rs.7600/- for those who complete 7 years in the grade of Rs.6600/-. It is stated that this fact has been ignored while issuing the impugned Annexure A-9

Memorandum. On this point, we find that it is the Department itself that had taken its own decision to create this higher grade in the hierarchy for further career growth. This was not specifically indicated in the recommendations of the various Committees. The High Power Committee after considering all the relevant factors did recommend to the Department to explore the possibility of conducting a peer review for the personnel in the Technician/Draughtsman categories in the Grade Pay of Rs.6600/- on completion of 7 years residency in the grade. The Department, after considering this, took a decision on its own to create a post of Assistant Engineer in the hierarchy in the Grade Pay of Rs.7600/-. We, therefore accept the position that the planned career growth for the Technicians from their induction level right up to the Grade Pay of Rs.7600/- was effectively an internal decision for dealing with stagnation and cannot be used to justify grant of an induction Grade Pay of Rs.2400/-.

27. An issue flagged by the applicants was that the Government of India has issued orders for granting stepping up of pay as well as for meeting anomalies such as fresh recruitees getting a higher pay than the existing Technicians in the cadre. We find that this has been adequately explained in the reply of the respondents as not applicable in their case. In any case, such issues were fully considered by the DoS/ISRO while dealing with the grievances of the Technicians. The context in which the hearing against Annexure A-9 was done by Shri.M.Chaandradathan, Director, VSSC and not directly by the Secretary, DoS and Chairman, ISRO has also been adequately explained. It is clear to us that the matter after being heard by

the Director was further examined by the Government and Annexure A-9 was issued after due consideration of all aspects. This Tribunal had also satisfied itself with the compliance of its Annexure A-8 order dated 15.07.2014 and had closed the M.A.No.1390/2014 in O.A.No.507/2014 filed by the applicants alleging non implementation of the order of the Tribunal. In addition, the points regarding comparison between different categories of staff especially with administrative staff have been explained by pointing out that the recruitment norms, promotion norms, career progression and nature of work of the categories are very different. Even within the technical staff of the organization it is clear that the pay scales have been fixed keeping in consideration different career progression paths to avoid stagnation at different levels.

28. We, therefore accept the contention that the Grade Pay of Rs.2400/- was not granted because an anomaly could have been created in the entire cadre structure. The Grade Pay of Rs.2000/- was introduced along with a promotional avenue upto the Grade Pay of Rs.7600/- within a specified period of time. The applicants submitted that the Grade Pay of Rs.2000/- has been accepted and implemented in Annexure A-6 only with effect from 24.03.2010 and that it is grossly unjust, illegal and irrational as it is being effected on the basis of the recommendation of the 6th CPC and should be effective from 01.01.2006. We find that the respondents have clarified that the enhancement in the induction pay of the Technician was not based on the recommendations of the Pay Commission but was purely based on the decision of the DoS regarding the induction scale. As such, the

Department has the prerogative to fix the effective date of enhancement in the induction pay. The Pay Commission had submitted its recommendations with revised Pay Band and Grade Pay for each pay scale in the 5th CPC and only such revised pay is only effective from 01.01.2006. The explanation that the applicants are not entitled for the enhancement in the induction pay with effect from 01.01.2006 is thus acceptable. It is clear that the enhancement is not having a relevance with the Pay Commission recommendations but starts with the cadre restructuring. As such, no illegality is being committed because of granting of it from 2010 as there is no requirement to grant it from 2006 at par with 6th CPC recommendations.

29. Therefore, in view of the above explanations/clarifications which have been carefully considered, we find no merit in the O.A. We dismiss the same accordingly. There shall be no order as to costs.

(Dated this the 5th day of February 2021)

K.V.EAPEN
ADMINISTRATIVE MEMBER

P.MADHAVAN
JUDICIAL MEMBER

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List of Annexures in O.A.No.180/00955/2015

- 1. Annexure A-1** – A copy of the communication No.E.29011/1/2008 dated 12.09.2008 issued by the Department of Space.
 - 2. Annexure A-2** – A copy of the O.M.No.2/9/2/2004-I(Volume II) dated 23.08.2006 issued by the Department of Space.
 - 3. Annexure A-3** – A copy of the relevant portion of the Schedule to Annexure A-1.
 - 4. Annexure A-4** – A copy of the relevant portion of Dr. Alex Committee Report.
 - 5. Annexure A-5** – A copy of the communication No.29012/01/2009-Sec.5 dated 29.10.2009 issued by the Department of Space.
 - 6. Annexure A-6** – A copy of the DO No.DR/3(2)/2010 dated 10.02.2010 issued by the ISRO.
 - 7. Annexure A-7** – A copy of the representation dated 03.07.2013 submitted by the 1st applicant to the 2nd respondent.
 - 8. Annexure A-7(a)** – A copy of the representation dated 03.07.2013 submitted by the 2nd applicant to the 2nd respondent.
 - 9. Annexure A-8** – A copy of the order dated 15.07.2014 in O.A.No.507/2014 of this Hon'ble Tribunal.
 - 10. Annexure A-9** – A copy of the Memorandum No.HQ.ADMN.12 dated 20.03.2015 issued by the 2nd respondent.
 - 11. Annexure R-1(a)** – A copy of the O.M.No.E.19012/6/2012-Sec IV dated 17.05.2012.
 - 12. Annexure R-1(b)** – A copy of the O.M.No.11030/4/2011-AIS-II dated 11.01.2012.
 - 13. Annexure R-1(c)** – A copy of the O.M.No.E.19012/6/2012-Sec IV dated 03.09.2015.
 - 14. Annexure R-1(d)** – A copy of the offer of appointment dated 30.05.2006 for the post of Tradesman-A issued to the 1st applicant in the O.A.
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