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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

O.A. No. 455/86.

Date of decision

25/8/92

Shri Vishwa ^{Mitter} Nath & Ors. ... Applicants
9th

...

Vs.

Government of India Press ... Respondents

CORAM:

Hon'ble Mr. Justice Ram Pal Singh, Vice-Chairman (J)

Hon'ble Member Shri I.P. Gupta, Member (A)

For the Applicant ... Shri B.S. Charya, Advocate

For the Respondents ... Shri N.S. Mehta, Advocate

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?

J _ U _ D _ G _ E _ M _ E _ N _ T

[Delivered by Hon'ble Shri I.P. Gupta, Member (A)]

The grievance of the applicants is against the office order dated 5th February, 1986 and the Government of India Press's (Non-Gazetted and Non-Ministerial Posts) Recruitment Rules, 1986. By Order dated 5th February, 1986 the post of Reader Grade I and Grade II in the Government of India Press, Ring Road, New Delhi stood redesignated as Reader with effect from 1.1.1979. Accordingly, payscales of Rs. 425-600 and Rs. 330-480 attached to the posts of Reader Grade I and Reader Grade II respectively stood substituted by the scale of Rs.330-560. The aforesaid recruitment rules of 1985 also showed the scale of the post of Reader (merged grade) as Rs. 330-560.

2. The relief sought is for quashing the circular of 5th February 1986 and the recruitment rules of 1985 which were notified vide notification dated 14th February 1985. It has been requested that the respondents

should be directed to fix the payscale of Readers at a scale not less than Rs. 425-600 which was the scale of Grade I.

3. The Learned Counsel for the applicant, contended that -

(i) The Categorisation Committee of the Government of India Press Workers 1973 made recommendations regarding Compositors, Readers, Machine-man etc. While in the case of Compositors, the Committee recommended that there should be one category of compsitors instead of two grades and the posts should be classified as skilled and given a scale of Rs. 260-480, the Government of India accepted the recommendations in a modified form to the effect that the existing scales of Compositors Grade I (330-480) and Compositors Grade II (260-400) might be allowed to stand and 20 per cent of Compositors Grade II might be allowed selection grade in the scale of Rs. 330-480. Instead of following the same pattern in the case of Readers, the respondents merged the two grades and gave the lower scale (with slightly higher maximum) to the merged grade.

In case of Readers, however, the recommendation of the Categorisation Committee was more or less accepted as indicated below :-

RECOMMENDATION OF THE CATEGORISATION COMMITTEE

The post of Junior Reader and Senior Reader should be merged into one highly skilled category of Reader to be given the scale of Rs. 330-560. There should be a selection grade for 20% of the post in the scale of Rs. 425-640.

ACCEPIANCE BY THE GOVERNMENT OF INDIA

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The two grades of Readers Gr.I(425-600) and Reader Gr.II(330-480) may be merged into one grade in the scale of Rs 330-560. The merged grades may be redesignated as Reader. There will be a selection grade of Rs 425-640 at 20% of the merged grade provided that the post of Reader is filled on the basis of competitive examination open to both copy Holders and Revisers.

The counsel for the applicant contended that the impugned action of the respondents has resulted in bringing down the grade of the Readers who were already placed in the scale of Rs 425-640.

(ii) While the Govt. of India Press (Non-Gazetted and non-Ministerial) Recruitment Rules, 1985 were notified on 14th February, 1985 wherein the merged grade of Readers was shown and the method of recruitment indicated, the merged grade was made effective retrospectively from 1.1.79 by order dated 5-2-1986. This retrospective effect cannot be justified.

4. The learned counsel for the respondents argued that-

(i) The Categorisation Committee which is a High Powered Committee and looks into the working of the Government employees had reported regarding the junior Readers and Senior Readers that "evidences have been rendered before us that both the Junior and Senior Readers performed the same duties. They recommended merger of the two categories of Readers into one grade with a running scale of Rs 330-560 with the selection grade for 20% of the post in the scale of Rs 425-640. This categorisation

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Committee is a High powered Committee with experts. The recommendations of the categorisation Committee were already implemented in other Presses but there was some delay in implementation in the Government of India Press, Ring Road, due to administrative reasons.

(ii) The impugned office circular dated 5-2-1986 contains the following para:-

Pay fixation of the person concerned will be done in accordance with the option executed by them under FR-23 in response to this Press Office circular No.0-17011/1/RRP/85-Estt.I/4348 dated 6-11-85.

F.R. 23 reads as follows:-

" The holder of a post, the pay of which is changed, shall be treated as if he were transferred to a new post on the new pay; provided that he may at his option retain his old pay until the date on which he has earned his next or any subsequent increment on the old scale, or until he vacates his post or ceases to draw pay on that time-scale. The option once exercised is final.

It would be seen from the above that those who wish to retain the old scale until the date on which he had earned his next increment or subsequent increments or until he vacates his post were allowed to do so. Therefore, a Reader who was in the scale of Rs 425-600 could have retained his scale and, therefore, he was not affected adversely.

(iii) While the two grades are merged, selection grade was also introduced which was slightly higher than that of Grade I (the maximum of Grade-I was Rs 600 whereas the maximum of selection grade was Rs 640)

5.

Analysing the facts and arguments in the case we find that it was on the recommendation of Expert Committee called the Categorisation

Committee that the scales for Reader Grade -I and Reader Grade II were merged, Those who were in higher scales had the option to continue in that grade. This was obvious from para 2 of the circular dated 5-2-1986 read with F.R. 23. The revised recruitment rules were notified on 14.2.1985 and the respondents are within their rights to revise any recruitment rules. The only point that can be argued with legal justification is that recruitment rules notified on 14-2-1985 should not have retrospective effect, more so when the rules do not contain a specific provision regarding retrospectivity. Therefore, if any of the applicants is affected adversely in matters of promotion to Grade I on the basis of the old rules, prior to promulgation of new rules, he would have a right to be considered for such promotion unless he has been so considered. ^{and if promoted on consideration would be entitled to retain the higher scale} Apart from this observation, we see no merit in the request of the applicants for quashing the circular of 5-2-1986 or striking down the recruitment rules of 1985. The O.A. is accordingly disposed of with no orders as to costs.

I.P. Gupta
(I.P. GUPTA)
MEMBER(A) 25/8/92

Ram Pal Singh
(RAM PAL SINGH)
VICE CHAIRMAN(J)