

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

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O.A. No. 1028 of 1986  
T.A. No.

DATE OF DECISION 11.9.1987

Shri Subal Singh Petitioner

Shri B.S. Arora Advocate for the Petitioner(s)

Versus

Union of India & Others Respondent

Shri P.H. Ramchandani Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B.C. Mathur, Vice-Chairman.

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?

Central Administrative Tribunal

Principal Bench, Delhi.

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REGN.No. OA 1028 of 1986

... Date of decision 11.9.1987

Shri Subal Singh

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Applicant.

Vs.

(1) Union of India through  
Secretary, Ministry of Tourism &  
Civil Aviation.

(2) The Director General of  
Civil Aviation.

(3) The Director,  
Radio Construction Unit,  
Safdarjang Airport, N. Delhi.

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Respondents.

PRESENT

Shri B.S. Arora, Advocate,

for the applicant.

~~Shri B.S. Arora, Advocate,~~

Shri P.H. Ramchandani, Advocate,

for the respondents.

CORAM

Hon'ble Shri B.C. Mathur, Vice-Chairman.

This is an application under Section 19 of the Administrative Tribunals Act, 1985, filed by Shri Subal Singh, Mast Rigger (Selection Grade) in the National Airport Authority, New Delhi, against impugned order No. DRC/2/Est(D)/6665 dated 30.7.1985 passed by the Director, Radio Construction and Development Unit (Respondent No.3). The brief facts of the case as stated in the application are that the applicant was appointed as Mast Rigger (Selection Grade) on ad hoc basis with effect from 3.4.1979 and his pay was fixed at Rs. 410.00 in the scale of Rs. 330-480 vide order dated 2.6.1979 effective from 1.4.1980 (Annexure 'A' to the application). He was promoted as Mast Rigger (Selection Grade) on regular basis with effect from 9.1.1980. In July, 1985, a letter was issued by Respondent No. 3 revising the scale of pay of Mast Riggers who were in the scale of Rs. 260-400 to 380-560 w.e.f. 1.9.1982, but ignored the case of the Mast Rigger (Selection Grade) in the scale of Rs. 330-480. This resulted in the junior persons

working in the lower scale of Rs. 260-400 getting a scale of Rs. 380-560 with effect from 1.9.1982 whereas the applicant who was Mast Rigger in the Selection Grade in the scale of Rs. 330-480 remaining in the old scale, thereby getting a lower salary than the juniors. The applicant made representation to Respondent No.3 vide his letter dated 9.12.1985 complaining that while he was putting more labour and had more experience he was getting a lower salary than his juniors. But the Department did not send any reply. He then wrote to Respondent No.2 on 29.4.1986 requesting him to revise the pay scale of the applicant to a higher grade which has not been replied to. The applicant has prayed that his grade of pay be revised from 330-480 to any suitable grade but not less than Rs. 425-700 and that the grade be further revised to the new scale as per recommendations of the Fourth Pay Commission and that he may also be allowed arrears of salary with effect from 1.9.1982, the date from which the grade of Mast Riggers was revised, alongwith interest at 18%.

2. In their reply the respondents have stated that it is not correct that the Mast Rigger (Selection Grade) carries higher responsibilities than Mast Rigger (Ordinary Grade) or that they supervise the work of the latter. According to the respondents, the responsibilities of Mast Riggers whether in the Ordinary Grade or in the Selection Grade are same. Selection Grade has been created to provide higher salary due to stagnation. They have stated that since the pay scale of Mast Rigger has been raised to Rs. 380-560, the same pay scale would also be applicable to Mast Rigger (Selection Grade). It has been pointed out that <sup>on</sup> there were no promotional avenues for Mast Riggers in the pay scale of Rs. 260-400, Selection Grade was created in the scale of Rs. 330-480 in order to provide monetary benefit to Mast Riggers who had put in a minimum of 14 years service and completed 3/4 of span <sup>in the</sup> of ordinary grade without receiving any promotion. The applicant was

accordingly given Selection Grade in the scale of Rs. 330-480 with effect from 9.1.1980 along with others. As the duties and responsibilities of the Mast Rigger whether in the Selection Grade or in the Ordinary Grade are identical, the applicant can only be given the revised scale of Rs. 380-560 for Mast Riggers and his pay protected as per rules. It has been further stated in the written reply of the respondents that as the 4th Pay Commission did not recommend any specific/separate pay scale for Mast Rigger (Selection Grade), the question of revision of the applicant's pay does not arise.

3. It was explained on behalf of the respondents that in accordance with the recommendations of the Third Pay Commission, an Expert Body was constituted to review the prevalent categories and fitment of the categories in the pay scale prescribed by them. It was decided by the Expert Group that, based on the job evaluation results, the classification of the skills/posts be made as follows:

<u>Points Range</u> Rs.	<u>Categorisation</u>	<u>Pay Scale</u> Rs.
1. 400 and above	Highly skilled Gr.I	380-560
2. 300 to 399	Highly skilled Gr.II	330-480
3. 200 to 299	Skilled	320-400
4. 100 to 199	Semi-skilled	210-290
5. Less than 100	Unskilled	196-232

The Expert Body fixed the pay scale for Mast Riggers at Rs. 380-560 in the Highly Skilled Grade I category. The interests of Mast Riggers were taken due care of by the representatives of the staff side in the Departmental Council Meetings and in the deliberations of the Arbitration Board.

4. The case of the applicant is that any reference of the Government to the Board of Arbitrators (JCM) is not binding on him as he was not a party to the proceedings and that

the learned Arbitrator was not told about the persons who were working as Mast Rigger (Selection Grade), thereby depriving the valuable right of the applicant. In terms of the 3rd Pay Commission, the Expert Body should have also considered the case of Mast Rigger (Selection Grade) but they only recommended the case of the persons who were in the scale of Rs. 260-400 and not that of Rs. 330-480.

5. The contention of the respondents that prior to 15.1.1981 there were no promotional avenues for Mast Riggers in the scale of Rs. 260-400 <sup>has been challenged</sup> as the applicant himself was promoted as Mast Rigger vide orders dated 2.6.79 (Annexure 'A' to the application) and, therefore, it should be considered as a regular promotion for Mast Riggers.

6. The learned counsel for the respondents has emphasized <sup>is</sup> that the post of Selection Grade remains that of Mast Rigger and that Selection Grade is not a promotion as it does not entail any extra responsibility or functions. It is only a method of providing some monetary benefit to senior people who otherwise would not have a chance of promotion.

9. It appears that the Arbitration Board considered the case of Mast Rigger only as their case was discussed in the Departmental Council (JCM). If the applicant or other similarly placed did not pursue their cases in the Departmental Council Meetings, they cannot blame the respondents for not taking up their case before the Arbitration Board. The applicant is, however, justified that if the pay scale of Mast Riggers could be revised from Rs. 260-400, the Selection Grade should have also been revised upwards, but the applicant cannot claim the scale of Rs. 425-700 applicable to Chargemen. It cannot be the case of the applicant that Mast Rigger (S.G.) is equal in rank and responsibilities to Chargemen which would be a promotion. At best a grade could have been created between Rs. 380-560 and Rs. 425-700. Apparently, when the grade

was revised in 1985, the question of revision of pay scales of various categories in the Govt. of India was already before the 4th Pay Commission. It has been brought out that the 4th Pay Commission did not recommend any Selection Grade for Mast Riggers. While the Board of Arbitration could have recommended a higher scale for Mast Rigger (Selection Grade) and Government could consider it, at this stage it will not be possible for the court to create a new scale of pay. Creation of pay scales is a matter of administrative policy and since there is no discrimination against the applicant as no Mast Rigger (Selection Grade) or people working in equivalent grade have been allowed a higher scale, there appears to be no alternative but to accept the position that pay scale applicable to Mast Riggers should also be applied to the applicant fixing his pay at the higher stage within the scale of pay of Rs. 380-560, according to rules.

10. A question has also been raised whether the applicant should be allowed any interest charge for delayed payment while the junior people who were Mast Riggers (Ordinary Grade) have been given revised salary from an earlier date, Mast Rigger (S.G.) has not received similar consideration. It has been pointed out by the learned counsel for the respondents that Government have already agreed to provide the same scale of pay retrospectively as admissible to Mast Rigger (Ordinary Grade) and also protect their pay. Orders revising the pay scale for Mast Rigger were issued only on 13.9.1985 whereas the applicant had represented on 9.12.1985 asking for a higher grade. In his present application also, the relief sought is that the applicant's pay scale should be revised to any suitable scale not less than Rs. 400-700. The respondents have always agreed to give the applicant the scale applicable to Mast Rigger, but they could not agree to the request of increasing his pay scale to that of a Chargeman which would amount to promotion to the next higher post for which there are

certain procedures and conditions and cannot be applied automatically to Mast Rigger (Selection Grade). While it is unfortunate that the applicant has not been paid his revised salary already paid to his juniors, the respondents cannot be faulted for delaying the matter unduly. It is also unfortunate that the case of Mast Rigger Selection Grade was not agitated in the Departmental Council and placed before the Arbitration Board. It is, however, quite clear that in the absence of any Selection Grade in the new scale, no higher scale than that applicable to Mast Rigger can be allowed to the applicant. It has to be accepted that Selection Grade is only a device to provide some monetary benefit to senior people who would otherwise stagnate in the ordinary grade and cannot be taken as a regular promotion to the next higher grade. In the circumstances, no relief can be provided to the applicant. The application is, therefore, dismissed. There will be no order as to costs.



(B.C. Mathur)  
Vice-Chairman