

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

D.A.No.1980 of 1990

New Delhi, this the 2nd day of September, 1994

Hon'ble Sri A.V. Haridasan, Member (J)

Hon'ble Sri B.K. Singh, Member (A)

1. N.C. Dass
S/o Late N.M.Dass,
D-108, Jagjeet Nagar,
New Esmanpur, N.Delhi-53
2. Deen Dayal S/o Late Sh.Jai Lal,
C-II/280, Yamunavihar,
Delhi-53.
3. Ram Hit, S/o Late Sh.Ram Dayal,
D-112, Jagjeetnagar
(New Usmanpur),
New Delhi-53
4. S.B. Bhattacharya
S/o Sh.Chulman,
13/6, Mandirwali Gali,
Gandhinagar,
Delhi-31
5. Ved Raj
S/o Pati Ram
RZ-681/1213 Gali No.27D,
Seenai Pura,
Sud Nagar, Palam Colony,
N.Delhi-45
6. Inder Sain
S/o Sri Hoshyar Singh,
J.U. 68B, Pitampura,
Delhi-34
7. Sh. Rajpal
S/o Sh. Hoshyar Singh,
VPO, Kherakalam,
Delhi-42
8. Sohan Singh
S/o Sri Ambar Singh
R-1/2, Vinodnagar (E),
R.K.G.Marg,
New Delhi-91
9. Ram Swarup Sharma
S/o K.R.Sharma
RZ-288/2, Rajnagar, P-II,
Palam Colony, N.Delhi-45
10. Lal Chand
S/o Nanak Chand
P.N.C.R-1/2, Vinodnagar (E),
RKG Marg, N.Delhi-91

11. Sunilkumar Vyas
S/o C.S. Vyas
Pocket-C 12/26,
DDA Flats, Sector-III,
Rohini, Delhi-85
12. Harbhajan Singh
S/o Sri Narim Singh
2658/196, Trinagar,
Delhi-35
13. Banwari Lal
S/o Sh. Munshiram
A-296, Amarpuri,
Armanagar,
Navi Karem, Paher Ganj,
N.Delhi.
14. Gurdev Singh
S/o Santa Singh
244/96, Mandaly School Block
Gali No.7, Delhi-91
15. Suresh Kumar
S/o Sh. Banwari Lal,
L-Block, 220,
Sunder Nagari,
Delhi-91
16. Rupudaman Singh,
S/o Late Sh. Chain Singh
J-82, Lakshminagar,
Gali No.4, Delhi-92
17. Partap Singh
S/o Sh. Hargovind Singh
R-1/2, Vinodnagar (E),
Ramkumar Gautam Marg,
N.Delhi-91

.. Applicants

(By Sri T.C. Aggarwal, Advocate)

V/s

Union of India through:
Director General,
Doordarshan,
Mandi House, New Delhi.

.. Respondent/s

(By Sri B. Lall, Advocate)

ORDER (ORAL)

Hon'ble Sri A.V. Haridasan, Member (J)

The applicants who have been working as
painters and Carpenters in the Delhi D.D.K.

..3

for a period between 20 to 26 years ^{one} ~~had~~ aggrieved by the fact that they remained still in the entry cadre without any scope for advancement in their career. Finding ^{that} with the representations allegedly made by all the applicants, did not evince any response, the applicants have filed this application U/s 19 of the A.T. Act for a direction to the respondents to give the applicants time-bound promotions prevailing in the other Departments, and also to pay to those who are actually working in higher ^{in 8 days of the bulk of Posts} posts. The applicants have alleged in the application that some of the applicants have been performing the duties of supervisory nature and that they have not been getting the higher pay of posts.

2. The respondents contend that the case of the applicants that they never had any change in their grade is not correct because a selection grade was introduced and some of the applicants were actually put on that grade and subsequently on acceptance of the report of the IV Pay Commission a uniform pay scale of Rs.1200-1800 was introduced to the cadre. However, the respondents contend that creation of higher posts in the service is not a matter which would come within the purview ^{not} of the Administrative Tribunal, and that therefore the applicants are not entitled to the relief sought for.

3. We have carefully perused the materials on record and have heard the learned counsel for the parties. The case of the applicants is that they have been working as Carpenters and Painters without any avenue of advancement in

their career is not seriously disputed. It is rather disgusting that the person ~~in their~~ ^{the young} service, in a particular ^{South} cadre would have to continue in that ^{grade} cadre and the grade throughout his service, and to finally end up as a retired from that grade without any scope for advancement of career. Such a situation would frustrate the individuals and would render their creativity and enthusiasm ^{impaired} ~~embed~~. However, we are ~~of~~ conscious of the fact that creating higher posts in the cadre is a matter of policy by the concerned Ministry in consultation with expert body and that the courts and Tribunals which are ^{well equipped} ~~low equipped~~ for giving ^{advice in such matters} ~~such directions~~ would not generally interfere.

Therefore, we are of the considered view that this is a case in which the applicants have to project their grievance to the competent authority which should consider the same in consultation with the expert body or a committee. Now that the Vth Pay Commission has been appointed, we are of the view that the grievance of the applicants is one that has to be considered by the Commission. Therefore, the proper ^{course} ~~case~~ for us to adopt in this case is to direct the applicants either individually, or collectively through their ^{unions} ~~organisations~~ to make a comprehensive representation ^{regarding} ~~for~~ all their grievances to the competent authority to place ⁱⁿ the ~~the matter~~ before the Vth Pay Commission.

4. There is a case in the application that some of the applicants who are performing the duties of supervisory posts are not being paid the pay and allowances applicable to these posts but it has not been made clear in the application as to which of the applicants have been working ^{on such} supervisory posts from which period. This grievance also the applicants have to first place before the competent authority. Therefore it would be ~~appropriate~~ if the applicants are directed to make representation in ^{thus} their behalf to the competent authority.

5. In the result, the application is disposed of with the following directions:

(i) The applicants may within a period of one month from the communication of this order, make a comprehensive representation either individually or collectively through their ^{unions} administration to the competent authority projecting all their grievances regarding lack of promotional opportunities.

(ii) If such a representation is received, the ~~govt~~ respondent is directed to place the representation before the Vth Pay Commission with ~~his~~ ^{its} remark on the subject.

(iii) Those of the applicants who claimed to have been working on supervisory posts and not being paid the pay and allowances

Sicca
on that posts may make a representation
in that regard to the respondent within
a period of one month from the communica-
tion of this order.

(iv) If a representation, as mentioned
at (iii) above is received by the respondent
✓ in the aforesated period of one month, the
respondent is directed to consider represen-
tation and dispose them of with a speaking
order within a period of two months from the
date of receipt thereof.

6. There is no order as to costs.

J
(B.K. Singh)
Member (A)

Haridasan
(A.V. Haridasan)
Member (J)

kmv