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CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench, New Delhi

O A No.2519/90

New Delhi, This the 19th Day of September 1994

Hon'ble Shri P.T.Thiruvengadam, Member(A)

Hon'ble Shri T L Verma, Member(J)

1. Shri Inder Singh
s/o late Shri Sadhu Singh,
R/o 132- Defence Estate,
Bindu Katra, Agra.
P.No. ~~xxExNm~~. 3485
Ex.T.No. 4084
2. Shri J.C.Ludhra,
S/o Shri Kishan Lal
F-273, Kamla Nagar,
Agra.
P-3511/ Ex.T.No.6329
3. Sh. Bahadur Singh
s/o Shri Jawand Singh
327- Kachhi Pura, Agra,
P-3555/ExTNo.6331
4. Sh.Arjander Tuteja
s/o Shri Hari Chander
38/83, Moti Kung, Agra.
P-3619/ Ex. T.No.6330
5. Shri Iqbal Singh Puri
S/o Sh. Jeevan Singh
1- Madhu Nagar, Agra.
P-3619/Ex.T.No.6333
6. Sh.N.N.Malhetra,
s/o Sh. Amar Nath
B-43, Kamla Nagar, Agra.
P-3620/Ext.E.No.6336
7. Shri R.N. Dutta
s/o Sh. Bakshi Ram
8/4, Rana Pratap Colony,
Agra,
P-3640/ Ext.No. 3577
8. Shri Brij Kumar Sharma
s/o Sh. Nathi Lal Sharma
32-Defence Estate,
Bindu Katra, Agra.
P-3707/ExT No.3334

9. Shri Amrik Singh Bhatia
S/o Shri Trilok Singh
15- Kishan Garh, Idgah
Agra,
P-3709/Ex.T.No.3336

10. Shri H.P.Kanshik
s/o Sh. Ram Kishan
4- Indra Colony,
Shahganj, Agra.
P-3710/Ex.T.No.3335

11. Sh.V.K. Talwar
s/o Sh.Amir Chand
215- +Defence Estate,
Bindu Katra, Agra,
P-3711/Ex.T.No.3346

12. Sh.Hole Bhatia
s/e Sh. Pritandas Bhatia
41-L.I.G. Double Storey Qrs.
Pratap Nagar, Agra.
P-3717/Ex.T.No.3361

13. Sh.Upkar Singh
s/o Sh.Bhagat Singh
74- Defence Estate,
Bindu Katra, Agra.
P-3734 /Ex.T.No.2036

14. Sh. S.D. Mehra
S/o ShriHarnam Singh
7/4, Rana Pratap Colony
Agra.

15. Shri Mahendra Pal Singh Couhan
S/o Sh.Pancham Singh
5/4, Rana Pratap Colony,
Agra.

16. Sh.Ram Prakash Sethi
A-123, Kamla Nagar, Agra.
P-NYA/Ex.T.No.3132 .

17. Sh.S.K. Vohra,
s/o Sh.Pishori Lal
R/o E-477, Kamla Nagar,
Agra
P-NYA/ Ex.T No.3141. -----Petitioners
By Shri M S Dhaiya, Advocate
VERSUS

1. Union of India,
Service through its Secretary,
Ministry of Defence,
New Delhi-110 011.

2. Director General
E.M.E., M.G.O.'s Branch
Army Headquarters, DHQ PO
New Delhi 110 001.

..Respondents

By Shri M K Gupta, Advocate

O R D E R (oral)

Hon'ble Shri P.T.Thiruvengadam, Member (A)

1. All the applicants in this OA were earlier working as Master craftsmen and subsequently posted as Senior Chargemen. The pay scale of Master Craftsmen was Rs.425-640 and that of Senior Chargemen was Rs.425-700 prior to the introduction of IV Pay Commission Recommendations. After 1.1.1986 both the posts have been given pay scale of Rs.1400-2300. Among the 17 applicants, applicants 1 to 7 who had been posted as Senior Chargemen from the category of Master Craftsmen prior to 1.1.86 and at that time of posting as Senior Chargemen they were given the benefit of FR 22 C. Whereas the applicants from 8 to 17 who were posted subsequent to 1.1.86 from the category of Master Craftsmen to the category of Senior Chargemen. By this time the scales of pay of these two posts were same namely Rs.1400-2300 and the respondents had not allowed the benefits of FR 22C (after 1.1.86 it is re-termed as FR 22(a)(ii)). This OA has been filed praying for the following reliefs:-

"(a) While pay scale of Rs.1400-2300 be retained for the MCM, a higher pay scale may be advised for the SCM so that these two posts fall in separate pay scales and promoted from MCM to SCM can enjoy the requisite benefits of promotion;

(b) If both the Posts are placed in the Pay

Scale of Rs.1400-2300 then provisions of FR 22 C should be made applicable on promotion from MCM to SCM spelt out in Government of India, Ministry of Personnel Public Grievances and Pension (Department of Personnel and Training) letter No.1/2/86-Estt(Pay-I) dated 17 May, 1988 and Ministry of Finance Department of Expenditure letter No.7(36)-E III/88 dated 09 August, 1988.

(c) The recommendations of the IVth Pay Commission merging the two posts of MCM and Senior Chargemen may kindly be declared null and void.

2. It is an old case filed in the year 1990. When the case came up for final hearing none appeared on behalf of the applicants. Since it is a very old case we propose to dispose of the case based on the ~~substantive~~ arguments of the learned counsel for respondents and record by way of application and rejoinder.

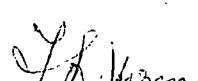
3. It is the case of the respondents that after 1.1.86 the pay scales of MCM and SCM were same and as per FR 22(III) the benefits of erstwhile FR 22(C) cannot be extended to those who are posted as SCM after 1.1.86. FR 22(III) reads as under:-

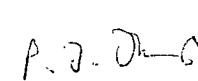
"For the purpose of this rule, appointment shall not be deemed to involve the assumption of duties and responsibilities of greater importance for the post to which it is made is on the same scale of pay as the post, other than a tenure post, which the Govt servant holds on a regular basis at the time of his promotion or appointment on a scale of pay identical therewith. "

It was thus argued that the question of incremental benefits on the posting of applicants 8 to 17 whose promotions had taken place subsequent to 1.1.86 cannot arise. We are in agreement with the stand taken by the respondents in view of the specific provision in the fundamental rules.

4. As regards the other reliefs namely the post of SCM should be placed in a scale higher than Rs.1400-2300 and the recommendations of the IVth Pay Commission merging the two posts of MCM and SCM to be declared as null and void we note that these are the reliefs which cannot be granted by this Tribunal. ^{This} has been held by the Hon'ble Supreme Court in State of UP Vs Chaurasia reported in AIR 1989 SC 19. It has been observed therein that the Tribunals/Court should normally accept the recommendations of the Pay Commission and it is for the administration to decide the relevant pay scales. In the circumstances we find that we are not in a position to interfere with regard to these prayers. We also note that that Vth Pay Commission has been set up and such matters are under the consideration of the Vth Pay Commission. It was open to the applicant to have represented to the new pay commission if they considered it fit.

5. Under these circumstances, we dismiss the OA. No costs.


(T L VERMA)
Member (J)
19-9-94


(P. T. THIRUVENKADAM)
Member (A)
19-9-94