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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

....

MA. No. 1861/97 &  
MA. No. 566/97 in  
OA. No. 1271/91

Dated New Delhi, this 14th day of August, 1997.

HON'BLE DR. JOSE P. VERGHESE, VICE CHAIRMAN (J)  
HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

1. NAPP Supervisors Association  
Department of Atomic Energy, Narora  
Dist. Bulandsahar  
U.P. 202389.
2. Shri D. P. Rai, Secretary, Narora  
Atomic Power Project Supervisory's  
Association, B-29/3, NAPP Township  
BULANDSAHAR-202389. ... Applicants

By Advocate: Shri G. D. Gupta with  
Shri S. K. Sinha.

VERSUS

1. Union of India, through  
the Secretary  
Ministry of Atomic Energy  
South Block  
NEW DELHI.
2. The Chairman  
Atomic Energy Commission  
Anu Shakti Bhawan  
CSM Marg  
BOMBAY-39.
3. Managing Director  
Nuclear Power Corporation, Centre I  
World Trade Centre  
16th Floor Caffe Road  
BOMBAY-400005. ... Respondents

By Advocate: Shri K. C. D. Gangwani

O R D E R (Oral)

Dr Jose P. Verghese, VC (J)

This matter was disposed of as dismissed on  
default. Thereafter a Miscellaneous Application  
was filed and after notice it is coming for disposal  
alongwith with the Original Application. The

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Miscellaneous Application for restoration is allowed and the Original Application is restored to file.

2. The applicants in this case are all belonging to the cadres of Scientific Assistant Grade 'A' Charge Hand etc.; Scientific Assistant Grade 'B' Foreman etc.; Scientific Assistant Grade 'C' Foreman A etc. and Scientific Assistant Grade 'D' S.O./S.B./Foreman 'B' etc. in the pay scale of Rs.425-700, Rs.470-750, Rs.550-900 and 650-1200 respectively. After the 4th Pay Commission <sup>Report</sup> became effective with effect from 1.1.1986, the applicants were also claiming parity in pay scales, namely, Rs.1640-2900, Rs.1840-3100, 2000-3500 and 2200-4000 respectively. This case was filed in the year 1991 after their case was not recommended for consideration by the 4th Pay Commission. The applicants are aggrieved by the fact that these pay scales revised after the 4th Pay Commission were not implemented in the manner such pay scales were revised in similarly situated other departments or posts. In the meantime, the 5th Pay Commission also has brought out its report and it is now being implemented and unfortunately the grievance of the applicants was not recommended to 5th Pay Commission for consideration.

3. After going through the pleadings as well as hearing the counsel for the parties, we find some disparity between the pay scales, but it is not enough for us to consider the same as hostile discrimination so that a mandamus may be issued to the respondents to give the higher pay scales as demanded by them. We are also unable to go into the details of the same as this court does not have the expertise for the purpose. In the absence of the details of the fact as to the discrimination as it had a direct relation with the facts alleged, we would prefer that the same be looked into by an expert body. The counsel for the applicants also agrees that the matter may be first looked into by an expert body, preferably by Anomaly Committee, if it is possible under the rules. We are of the opinion that, in the interest of justice, ~~must~~ the matter ~~be~~ be looked into by a committee appointed by the respondents consisting of experts in the field.

4. In the circumstances, our direction to the respondents would be to first decide whether this matter should be considered by a committee of experts appointed by the respondents themselves or whether the matter should be referred to the Anomaly Committee or not. In any event if the

matter is referred to the Anomaly Committee or it is considered by a committee appointed by the respondents, in either case the committee shall consider the following aspects of the case:-

- (1) Whether the applicants are entitled to fixation of higher pay scales as revised pay scales, as claimed by them, with effect from 1.1.1986 which was the date on which the 4th Pay Commission's recommendations were implemented.
- (2) Whether the applicants will be also entitled to the revised pay scales now recommended by the 5th Pay Commission in case they succeed in the first issue.
- (3) The said committee shall consider whether the applicants are entitled to the arrears with effect from 1.1.1986 or not.
- (4) The respondents shall, after constituting the committee, give an opportunity to the applicants to place their case before the committee in an appropriate manner, whether by way of affidavit or by oral submissions, and thereafter pass appropriate orders.
- (5) The respondents shall consider the representation of the applicants in this regard within three months from the date of the receipt of a copy of the representation from the applicants by a committee which will be constituted within six weeks from the date of receipt of a copy of this order. The

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respondents thereafter shall communicate the results to the applicants whereupon the applicants would be at liberty to deal with the matter as if fresh cause of action has arisen.

5. With these, this OA is disposed of. No order as to costs.

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(K. Muthukumar)  
Member (A)

*JV*  
(Dr Jose P. Verghese)  
Vice Chairman(J)

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