

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A. No.2054/91

New Delhi, this the 21st day of October, 1996

HON'BLE SHRI T.N. BHAT, MEMBER (J)
HON'BLE SHRI R.K. AHOOJA, MEMBER (A)

Shri O.P. Dham
S/o Shri S.R. Dham (Late)
r/o F-5, I.I.P. Colony, Dehradun
working as Assistant in the
O/o Indian Institute of Petroleum,
Mohkampur, Dehradun, U.P. Applicant

(through Shri M.K. Gupta, Advocate)

Vs.

1. Council for Scientific & Indl. Research
through its Director General,
Rafi Marg, New Delhi - 110 001.
2. Indian Institute of Petroleum,
through its Director,
Mohkampur, Dehradun,
Uttar Pradesh - 248005.
3. Shri S.R. Mehra } To be served through
4. Shri Prem Singh } Respondent No.2.

.... Respondents

(through Shri V.K. Rao, proxy counsel
for counsel Shri Sikri, for
Respondents No. 1 and 2.
None for Respondent No. 3 and 4).

ORDER

SHRI R.K. AHOOJA, MEMBER (A)

The applicant was appointed in the office
of Respondent No.2 as a Lower Division Clerk
(hereafter referred^t as LDC) in 1966 in the grade
of Rs.260-400. On 2.3.1978, he was granted a
Special Grade of Rs.310-476. He was thereafter

contd. .. 2/-

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promoted to Upper Division Clerk (b. letter transferred to UDC) d.s.c. 6.5.1963. On 1.7.1966, he has been further promoted to the post of Assistant on a temporary basis. The Respondents decided that Telephone Operators who were holding isolated posts be merged in the cadre of UDC /LDC. The basis of the integration would be to assign seniority to the Telephone Operator in the scale of Rs.260-400, next below UDC appointed through open competitive examination of the year in which the Telephone Operator was appointed. The Applicant is aggrieved that though he was appointed in 1966 through the open competitive examination, Respondents No.3 and 4, Shri C. S. Mathia and Shri Prem Singh who were appointed d.s.c. 28.8.1970 and 1.5.1971 respectively as Telephone Operators, in the scale of Rs.110-190 and 1 to be merged to Rs.260-400, have been shown above him in the tentative Seniority List issued in 1987 (Annex. A-1). The Applicant submits that he made a number of representations but to no avail. He has now come to the Tribunal seeking a declaration that he be treated senior to Respondents No.3 and 4 with all consequential benefits.

2. The Respondents in reply, submit that Respondent No.3 and 4 have been placed senior to the Applicant in as they were promoted the ~~the~~ ^{the} ~~the~~ ^{the} equal to that of a ~~UDC~~ UDC on a date even earlier than one on which the Applicant was promoted.

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3. The Applicant was placed on U.S.E. w.s.f. 6.5.1983 when as Respondents No. 3 and 4 were appointed on UDCS w.s.f. 12.11.1981 and 6.5.1980 respectively. As per the rules laid down for determining Ant. Seniority, the integration was to be done at the appropriate scales and since Respondents No. 3 and 4 were on UDC pay scales on or date prior to the integration as well as prior to the date on which the Applicant was promoted, they had to be placed senior to the Applicant.

4. Hence the recorded conclusion is that since. In order to appreciate the contention of the Applicant, it would be useful to set briefly the career of both Respondents No. 3 and 4. The career of the Applicant that the two Respondents were initially recruited w.s.f. 28.8.1978 and 1.9.1978 in the grade Rs.260-400 equal to that of UDC is not denied. On 1.4.1983, both of them were granted the Special Grade of Rs.310-470. On 6.5.1987, CSIR, vide its order No. 17(121)/86-E.11 dated decided that the existing Telephone Operators in the scale of Rs.260-400 may be brought to the AGI scale of CSIR and that each of them may be assigned seniority below UDCs appointed through open competitive examination of the year in which the Telephone Operator was appointed. Further more, the Telephone Operators will be entitled to promotion on UDC in accordance with their seniority and as per recruitment procedure. However, Telephone Operators already working in the scale of Rs.330-560

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1. The first step in the process of identifying a problem is to define the problem. This involves identifying the symptoms of the problem and determining the scope of the problem. Once the problem has been defined, the next step is to identify the causes of the problem. This involves identifying the factors that are contributing to the problem and determining the underlying causes. Once the causes have been identified, the next step is to develop a plan of action. This involves identifying the steps that need to be taken to solve the problem and determining the resources that will be needed to implement the plan. Once a plan of action has been developed, the next step is to implement the plan. This involves carrying out the steps that have been identified in the plan and monitoring the progress of the implementation. Finally, the last step in the process is to evaluate the results of the implementation. This involves assessing the effectiveness of the plan and determining whether the problem has been solved.

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scale and not the LDC scale. It may be that the Respondents No.3 and 4 got an unintended benefit because of the Sidhu Committee recommendations that persons holding isolated posts may be given the next promotional scale on completion of 11 years of service. That promotional scale happens to be equivalent to the pay scale of UDC. The grant of this higher pay scale cannot be deemed a fortuitous circumstance, since it was given across the board on the recommendation of an expert committee. Orders for the same were issued in 1985. A question could be raised regarding the need for integration or the rules by which inter se seniority was proposed to be fixed. Thus, it could be agitated that inter se seniority should have been on the basis of length of service and not on the basis of comparative pay scales. However, that is not the case of the Applicant and he has not challenged the rules but only the circumstance in which the Respondents 3 and 4 got their promotion to a higher scale with retrospective effect. In that view of the case, the citations relied upon are of no help since the circumstances in the afrcited cases were entirely different.

7. In the light of the above discussions, the application is dismissed. No order as to costs.

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(R.K. AHUJA)
MEMBER (A)

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(T.N. BHAT)
MEMBER (J)

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