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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN.NO. O.A. 2753/91.

DATE OF DECISION: 16.4.1992

R.C. Panigrahi

.... Applicant.

Versus

Union of India.

.... Respondent.

REGN.NO. O.A. 2760/91.

K.S. Jagan Nath Rao.

.... Applicant.

Versus

Union of India.

.... Respondent.

CORAM: THE HON'BLE MR. JUSTICE RAMPAL SINGH, VICE CHAIRMAN(J).
THE HON'BLE MR. I.P. GUPTA, MEMBER(A).

For the Applicant.

.... Shri T.C. Aggarwal,
Counsel.

For the Respondent.

.... Shri M.L. Verma,
Counsel.

JUDGEMENT

(By Hon'ble Mr. I.P. Gupta, Member(A))

These two O.As are being dealt with together as the issues involved are similar.

2. The applicants, who were Field Publicity Officers, have claimed for revised pay scale and grade according to recommendations of Third Pay Commission w.e.f. 1.1.1973 and in terms of orders by the Hon'ble Supreme Court and the Tribunal dated 5.12.1986 and 10.10.1991.

3. The Third Pay Commission recommended as follows:-

■ In the existing Grade IV of the service there are 135 posts of Field Publicity Officers, who hold charge of Field Publicity Units, spread all over the country. We have been informed by the Ministry that Field Publicity Officers are given charge of Publicity Programmes in more than one district and they have to be in close touch with Senior Officers

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in the States. The Ministry considers that those Field posts should be manned by persons of higher calibre and status. We also notice that out of 135 cadre posts of Field Publicity Officers, 42 posts were vacant as on 1.1.1971, which seems to suggest that these posts are not attractive enough to the cadre officers. Having regard to their duties and responsibilities, we consider that the posts of Field Publicity Officer should be given a higher pay scale compared to other Grade IV posts in the CIS and recommend that these posts should be placed in the Grade III of the service.

9. Having regard to the requirements of this service and keeping in view the general pattern that we have adopted, we recommend the following scales of pay for the various grades of the CIS.

<u>Sl.No.</u>	<u>Grade</u>	<u>Existing Pay</u>	<u>Proposed Scale of pay</u>
x	x	x x	xx
6.	Grade III	Rs.370-800	Rs.650-1200
7.	Field Publicity Officer	Rs.270-485	Rs.650-1200
x	x	x x	x x

4. The Hon'ble Supreme Court in W.P. No. 1888 of 1978 ordered as follows on 5.12.1986:-

"We do not think that it is open to the Government to deny the benefit of the revised Grade and Scale with effect from 1.1.1973 as in the case of all other persons merely because of some administrative difficulties. To do so will be discriminatory. A direction will, therefore, issue to the respondents to give effect to the revised grade and old scales from 1.1.1973 to the petitioners. Writ Petition is disposed of accordingly".

5. The directions of the Principal Bench of Central Administrative Tribunal dated 10.10.91 in O.A. No. 1001 of 1991 D.G. Mahapatra & Ors. Vs. Union of India & Anr. were as follows:

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"5. The short point that remains to be considered is regarding allowing the applicants Grade III of the CIS as recommended by the Third Pay Commission and as ordered by the Hon'ble Supreme Court in similarly circumstanced cases. In view of the clear recommendations of the Commission and the orders of the Hon'ble Supreme Court, in similar cases, we direct the respondents to allow the applicants Grade III of the CIS. The administrative difficulties are not insurmountable in that the period of probation after completion can be deemed to have been completed from an earlier date. Requirements of 5 years' service can be dispensed with by taking suitable measures according to law and supernumerary posts as necessary created. These aspects apart, the Pay Commission have recommended Field Publicity Officers as Gr.III on revision of pay scales as such and not on promotion".

6. The learned counsel for the respondents contended that -

- (1) The application is barred by limitation.
- (2) The applicants are not similarly situated as in case of O.A. 1001/91, D.G. Mahapatra & Ors. Vs. Union of India and anr.
- (3) Certain posts were designated as Field Publicity Officers in Grade IV of CIS. Officers could be posted as FPOs both by first appointment as also by transfer from other equivalent posts. The Govt. of India accepted the recommendations of the Third Pay Commission and also accepted recommendations for upgradation of the pay scale of F.P.O. (Border), another category within the Directorate of Field Publicity.
- (4) The pay scale of FPO (Border) was revised from 1.1.73 and of FPOs from 1.10.75.
- (5) The promotions to Grade-III were made taking into account the upgradation of 135 posts of FPOs and the Grade IV officers working in that

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posts who could not be promoted due to lower seniority positions were transferred from that post to Grade IV posts in other media units. The applicants belong to the latter category.

7. We shall deal with the question of limitation first.

The case of the applicants is based on the order dated 10.10.91 of the Principal Bench in O.A. 1001 of 1991, D.G. Mahapatra & Ors. Vs. U.O.I. & Anr. Their case is that they are similarly placed. The limitation should not thus apply in extending similar treatment.

8. The point to be determined is short and simple. In accordance with the recommendations of the Third Pay Commission, 135 posts of Field Publicity Officers (emphasis ours) were given upgraded scales from 1.1.1973 in consideration of the duties and responsibilities attached to the posts. It is not that all Grade IV posts of CIS were given the upgraded scales. The petitioners (Field Publicity Officers) before Hon'ble Supreme Court were also given by order dated 5.12.1986 upgraded scale from 1.1.73 though the respondents had given them the higher scale from 1.10.75.

9. In the conspectus of the above facts and in the above view of the matter, the applicants are entitled to upgraded scales from 1.1.73 as long as they worked as FPOs, since the upgraded scale was for FPOs only. It was for the respondents to consider that seniors in Grade IV of CIS willing to serve as FPOs and suitable for the assignments were posted as FPOs to avoid any anomaly of a junior drawing a higher scale leaving

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out the senior for no fault of his and correctives as necessary are to be applied by the respondents but we cannot deny upgraded scale from 1.1.1973 to the applicants, as long as they functioned as FPOs against 135 posts, referred to in the recommendations of Third Pay Commission (accepted by the Government of India).

10. With the above observations and directions, the two O.As are disposed of with no order as to costs.

I. P. Gupta
(I.P. GUPTA) 16/4/92
MEMBER(A)

Ram Pal Singh 16.4.92
(RAM PAL SINGH)
VICE CHAIRMAN(J)

SRD