

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
* * *

(A)

C.A. D.2787/91

30.03.1992

Shri S.P. Sharma

...Applicant

Vs.

Union of India

...Respondents

Coram

Shri S.P. Mukerji, Hon'ble Vice-Chairman (A)

Shri J.P. Sharma, Hon'ble Member (J)

For the Applicant

...IN PERSON

For the Respondents

...Shri P.P. Khurana

1. Whether Reporters of local papers may be allowed to see the Judgement? *yes*
2. To be referred to the Reporter or not? *no*

JUDGEMENT (ORAL)

(DELIVERED BY SHRI S.P. MUKERJI, HON'BLE VICE-CHAIRMAN)

In this application dt.12.11.1991, the applicant who has been working as Cipher Assistant in the Directorate of Coordination Police Wireless has prayed that the pay scale of the post of Cipher Assistant should be upgraded from the scale of Rs.1400-2600 to Rs.1640-2900 which is the pay scale now attached to the post of Assistant in the Central Secretariat.

2. We have heard the applicant in person and the learned counsel for the respondents and have gone through the pleadings

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(5)

carefully. The respondents have in the counter affidavit indicated that in 1962, the pay scale of the Cipher Assistant was ~~Rs.250-530~~ as against the pay scale of Rs.210-425 attached to the post of Assistant. The Third Pay Commission recommended that ~~the pay scale of~~ both ^{the} Cipher Assistant and ^{the} Assistant in the Secretariat should be given the same pay scale of Rs.425-800. This was accepted by the Government. The 4th Pay Commission again recommended the revised pay scale of Rs.1400-2600 both for the Cipher Assistant as well as ~~to~~ the post of Assistants in the Central Secretariat. This was originally accepted by the Government, but subsequently in 1990, the Government revised the pay scale of the Assistants of the Central Secretariat to that of ~~Rs.1640-2900~~ with retrospective effect from 1.1.1986. It has also been brought out that ^{while} ~~whether~~ the feeder posts of Cipher Operators for the post of Cipher Assistants have the pay scale of Rs.1350-2200, the corresponding feeder post of UDC for the Assistants carry the lower pay scale of Rs.1200-2040. Even in 1962, as stated by the respondents, the post of Cipher Assistant was carrying a higher pay scale of Rs.250-530 than ~~that~~ ^{the} attached to the post of Assistant being Rs.210-425. The applicant ~~had~~ represented to the Government about the matter, but his representation

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was rejected by a stereo type reply dt.30.4.1991 (Annexure D) simply informing him that the matter was referred to the Ministry of Home Affairs, but it has been turned down.

3. From the conspectus of facts and circumstances, it appears to us that the post of Cipher Assistant has continuously been remunerated at the ^{higher or the} same pay scale as that of Assistant in the Central Secretariat. Over and above that the feeder post of Cipher Operators for the post of Cipher Assistants carry admittedly a higher pay scale than that of the UDCs., which is the feeder post for Assistants. There may be some good reasons for the Government to turn down the representation ^{of the applicant} But those reasons are not reflected in the impugned order dt.30.4.1991 ^{at Annexure D.}

4. In the interest of justice, we admit the application and dispose of the same with the direction to the respondents to consider the representation of the applicant dt.11.12.1990 afresh at Annexure C and to dispose it of by a speaking order taking into account the entire conspectus of facts as discussed above. The representation may be disposed of preferably within a period of three months from the date of communication of this order. The applicant will be at liberty to approach ^{appropriate} legal forum, if so advised, and in accordance with law, if he is aggrieved by the outcome of the representation. No order as to costs.

(J.P. SHARMA)
MEMBER (J)

Sd/- 30.3.92
(S.P. MUKERJI)
VICE CHAIRMAN