

Central Administrative Tribunal  
Principal Bench, New Delhi

OA No.2841/91

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New Delhi, this 2nd day of April, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)  
Hon'ble Shri R.K.Ahooja, Member (A)

1. The Association of Junior Lecturers  
Senior Drawing Instructors, A.Ws.  
Foremen Printing Technology  
through its General Secretary  
Mr. M.M.Kalia  
G.B.Pant Polytechnic, Okhla  
New Delhi - 110 020.
2. Shri S.C.Bhalla  
Assistant Workshop Superintendent  
s/o Shri R.P.Bhalla  
r/o 18/17, Old Rajinder Nagar  
New Delhi - 110 060.
3. Shri M.M.Kaila  
Junior Lecturer  
s/o Late Shri G.R.Kaila  
r/o 66 Dayanand Vihar  
Delhi - 110 092.
4. Shri S.P.Khanna  
Junior Lecturer  
s/o Shri S.S.D.Khanna  
r/o DA-25/C, G-8 Area  
Rajouri Garden  
New Delhi - 110 064.
5. Shri S.A.Jethwahi  
Junior Lecturer  
s/o Shri A.S.Jethwani  
r/o C-26, Kidwai Nagar East  
New Delhi - 110 023.
6. Shri B.K.Gupta  
Junior Lecturer  
s/o Late Shri B.D.Gupta  
r/o E-6, G.B.Pant Polytechnic Enclave  
Okhla, New Delhi - 110 020.
7. Shri G.K.Aggarwal  
Senior Drawing Instructor  
s/o Late Shri R.S.Aggarwal  
r/o E-4, I.T.I's Quarter  
Pusa  
New Delhi - 110 012.
8. Shri S.L.Oberoi  
Senior Drawing Instructor  
s/o Shri Narain Dass  
r/o 17/61, Sector III, D-12  
Area, New Delhi.

... Applicants

(By Shri V.K.Rao, Advocate)

Vs.

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1. **Delhi Administration, through Chief Secretary**  
5, Shyam Nath Marg  
Delhi - 110 054.
2. The Director  
Directorate of Technical Education  
Delhi Administration  
Dayal Singh Library Building  
Rouse Avenue  
New Delhi.
3. Union of India through  
Secretary  
Ministry of Human Resources Development  
(Development of Education)  
Shastri Bhawan  
New Delhi - 110 001.

(A)

... Respondents

(By Shri Vijay Pandita, Advocate for R-1 and R-2;  
None for the Respondent No.3)

O R D E R (Oral)

Hon'ble Shri R.K.Ahooja, Member(A)

The applicants who are Members of an association of Junior Lecturers, Senior Drawing Instructors, AWs, Foremen Printing Technology, etc. are aggrieved by so called anomaly in the pay scales whereby employees working in the feeder cadre, namely, Demonstrators, etc. have been given a higher pay scale. The applicants state that they were in the pay scale of Rs.650-960 before the recommendations of Fourth Pay Commission were implemented. At that time, the pay scale of the next below category, namely, Demonstrators was Rs.550-900. However, the latter category was given a selection grade of Rs.775-1000 on the basis of similar selection grade granted to Post Graduate Teachers under the Department of Education. They say that this has resulted in an anomalous situation because the selection grade in the lower post cannot be more than the grade attached to the higher post. They also state that they made representations that this anomaly be removed and their cases for revision of pay scales were recommended by Respondent No.1, Delhi Administration and also Respondent No.2, Director of Technical Education. They have now come before the Tribunal

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seeking direction to the respondents to revise the pay scale, firstly, to Rs.650-1200 w.e.f. 14.4.1975 and in implementation of the recommendations of the Fourth Pay Commission to Rs.2000-3500 w.e.f. 1.1.1986 with all consequential benefits including payment of arrears.

2. The respondents in their reply state that the structure of various posts in the polytechnic stands abolished w.e.f. 13.7.1988 and therefore, the relief sought for by the applicants can not be allowed. Further, the Fourth Pay Commission was the only competent expert body to determine the feasibility and possibility of pay scales. Finally after the recommendations of the Madan's Committee, the posts of Demonstrators, Junior Lecturers, etc. no longer exist.

3. We have heard the counsel on both sides. The position, as we see it is that the time scales of the applicants as well as the Demonstrators are such that the applicants had higher pay scale of Rs.650-960 compared to Rs.550-900 of the Demonstrators. The problem arose when a selection grade of Rs.775-1000 was granted to the Demonstrators w.e.f. 14.4.1975 by the order dated 8.3.1984. While no comparison can be made between selection grade of one category of posts and the time scale of another category even though the latter might be superior category, since the principles on which selection grade is granted is different, nevertheless, the issue has to be examined in case it results in a wide differential as a consequence of revision of general pay scales due to the recommendations of the Fourth Pay Commission. The respondents say that this matter falls within the purview of the Pay Commission. We agree with that. It appears that since the order of grant of selection

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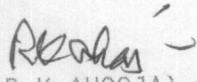
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grade was issued in 1984 and the Fourth Pay Commission gave its recommendations by 1985, the matter might well not have been considered by the Fourth Pay Commission. In the normal course, the case of grant of selection grade has to be examined on its own merits for each particular class of employees and consideration such as stagnation of services in a particular grade etc. have to be taken into account. In the present case it appears that the department in which the applicants had been working as well as the Union Territory Government examined this aspect in the case of the applicant, and recommended to the Central Government grant of a pay scale of Rs.650-1200. In the facts and circumstances, we consider it proper that the grievance of the applicants and the claims they have made for grant of higher grade and the recommendations made by the Delhi Administration should receive proper consideration of the competent authority, viz., the Central Government.

4. The respondents say that since the posts of Demonstrators and Junior Lecturers do not exist any more, therefore, the issue is now non-existent. As rightly pointed out by the learned counsel for the applicant, a decision on the issue will have consequence even today since the corresponding pay scales granted by the Fourth Pay Commission and now by the Fifth Pay Commission will be determined on the basis of any increase in the pay scale of the applicants. Similarly it will also have effect on the fixation of the pay of such of the Junior Lecturers and Demonstrators who were later discharged in the grade of Lecturers in accordance with the Madan Committee's recommendations.

or

5. In the facts and circumstances of the case, we dispose of the OA with a direction to the Respondents that Respondent No.3 will decide within a period of four months from today the recommendations made by Respondent No.2 vide annexure A4, A9 and A10 and communicate the decision taken thereon to the applicants with a speaking order within the said period. No costs.

  
(R.K. AHOOJA)  
MEMBER(A)

  
(DR. JOSE P. VERGHESE)  
VICE - CHAIRMAN(J)

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