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CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

D.A. No. 786/91 New Delhi, dated the 24 March 1995

HON'BLE MR. S.R. ADIGE, MEMBER (A)

HON'BLE DR. R.K. SAXENA, MEMBER (J)

1. Shri D.K. Banerjee,
S/o Shri H.M. Banerjee,
R/o C-7/120, Lawrence Road,
New Delhi-110031.
2. Shri B.D. Sharma,
S/o Shri Dharam Singh
House No.44, Alipur,
Delhi-110036.
3. Shri G.P. Ahirwar,
S/o Shri Khunna,
R/o RZ-12/1, Kailashpuri, Palam Colony,
New Delhi-110045.
4. Shri Mange Ram,
S/o Sri Chand,
R/o C-5/94, Lawrence Road,
New Delhi.

(By Advocate Shri O.P. Sood) APPLICANTS

VERSUS

1. Union of India through
Director of Printing, 'B' Wing,
Nirman Bhawan, New Delhi
2. Manager, Govt. of India Press,
Mayapuri, Ring Road, New Delhi.
3. Shri N.C. Sharma, Reader
4. Shri V.N. Yadav, Reader
5. Shri Vishwa Mitter, Reader
6. Shri Ghanshyam Dass, Reader
7. Shri Bhagat Ram, Reader
8. Shri P.N. Hajela, Reader
9. Shri N.D. Sharma, Reader
All the above C/o Manager, Govt. of India Press,
Mayapuri, Ring Road,
New Delhi-110064.

(None appeared for the respondents) RESPONDENTS

JUDGEMENT (ORAL)

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

In this application Shri D.K. Banerjee and three others, all Readers in the Govt. of India Press, Ring Road, Mayapuri, New Delhi have prayed for a direction to the respondents to declare them as deemed to have been

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promoted as Reader Grade I from the dates their juniors (respondents 3 to 9) were promoted; to place them in the higher pay scale of Rs.1400-2300 if the posts of Reader Gr. I are considered surviving; and declare them as promoted on the posts of Reader in charge from the day the posts fall vacant, together with consequential financial benefits.

2. From the materials on record it appears that the applicants together with Respondents 3 to 7 were transferred from the GOI Press, Mint Road to the GOI Press Mayapuri some time in 1973. At the time when the applicants were transferred they were holding the post of Reviser. As per the Recruitment Rules then in force, Copy Holders/Revisers were to be appointed as Readers Gr. II subject to qualifying in the Readership Exam. Prior to 1976 this examination was to be conducted by local arrangement in the respective presses but as the Mayapuri Press itself was set up only in 1970-71, and there were no readership examination rules, no examination was held and promotion as readers were made on ad hoc basis subject to the ad hoc promotions subsequently qualifying in the Readership Exam. According to the applicants the seniority principle was not properly adhered to as a result of which Respondents 3 to 9 who were junior to them were promoted as Reader Gr. II on ad hoc basis prior to the applicants, but according to the respondents the seniority principle was fully adhered to subject to the rejection of the unfit.

3. The first Readership Examination on All India basis was conducted by the Directorate of Printing in August, 1976. The applicants as well as Respondents 3 to 9 were successful in that examination and were appointed as Reader Gr. II on regular basis w.e.f. 6.1.77 but while the pay of the

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applicants at that point of time was Rs.1760/-, the pay of the respondents 3 to 9 was more than that, ^{A probably} because they had worked as Reader Gr. II for a longer period and had earned increments.

4. On 1.1.79 the two grades of Reader Gr. I (Rs.350-480) and Reader Gr. I (Rs.425-600) was merged into one grade and the post was redesignated as Reader (Rs.330-560). However, those who were working as Reader Gr. I ^{were} allowed to retain their existing scale of pay which was personal to them. It appears that by that time the Respondents 3 to 9 had been promoted as Reader Gr. I, and they were allowed to retain the scale of Rs.425-600 as personal to them. Consequent to the 4th Pay Commission recommendations, the pay of Readers (Rs.330-560) was revised to Rs.1200-2040 w.e.f. 1.1.86, What the respondents should have done was to fix the pay of Respondents 3 to 9 in the scale of Rs.1200-2040 (replacement scale for those in the scale of Rs.330-560) and the difference in pay should have been treated as personal pay to be absorbed in future increments, but instead of doing so, the respondents fixed the pay of the Respondents 3 to 9 in the scale of Rs.1350-2200 which was the replacement scale of Rs.425-600. This error was subsequently detected and recoveries were ordered to be made vide Respondents' O.M. dated 20.8.91 but the same was challenged by the affected parties in OA 2260/91 in CAT, (Principal Bench). Meanwhile as the applicants were not promoted as Reader Gr. I at the time Respondents 3 to 9 were so promoted, and w.e.f. 1.1.79 the two grades of reader were merged into one in the pay scale of Rs.1200-2040, the difference in the pay between the applicants and Respondents 3 to 9 continued.

5. As none appeared for the respondents when the case was called out, we are handicapped in knowing their contentions

beyond what is stated in their reply, but in that reply it is stated that the respondents made an offer to the applicants to submit their willingness for consideration to the post of Reader in charge on regular basis vide their letter dated 12.4.89, but there was no response to this offer in spite of a reminder being issued. ^{That} Such an offer was made has not been denied by the applicants in their rejoinder.

6. During hearing, applicants Counsel Shri Sood said that the main grievance of the applicants was that respondents 3 to 9 though junior to the applicants were drawing the higher replacement scale of Rs.1350-2200 and subsequently even higher scale on promotion, which they themselves were placed in the scale of Rs.1200-2040, and although orders had issued for placement of the respondents in the scale of Rs.1200-2040 and for recoveries of the excess amounts, no recoveries were being made from the respondents 3 to 9, for reasons best known to the official respondents with the result that the disparity still continues.

7. As stated above, none appeared for the official respondents, and we are, therefore, unaware of the circumstances why, if at all recoveries were not being made, pursuant to letter dated 20.8.91. We cannot say for certain whether recoveries ~~are~~ not being made because of DA 2200/91, because we do not know whether any stay orders have been issued in that case, and the parties in that DA ^{case} are not before us.

8. That being the position we can only dispose of this OA leaving it open to the applicants to represent to the official respondents in respect of the non-implementation of their own OM, dated 20.8.81 on receipt of which the official respondents should examine the same, and in the background of the present stage in OA 2200/91, dispose of that representation by means of a reasoned order with due expedition, preferably within 3 months of its receipt under intimation to the applicants.

Dr. R.K. SAXENA
(Dr. R.K. SAXENA)
Member (J)

S.R. ADIGE
(S.R. ADIGE)
Member (A)