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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1110/2004

New Delhi this the 7th day of May, 2004

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri S.K. Naik, Member (A)

Mr. Vijay Kumar,
S/O Shri Satya Dev,
R/O Block No.7, House No.117,
Lodi Colony, New Delhi-110003

..Applicant

(By Advocate Shri Ashwani Bhardwaj)

VERSUS

1. Director General,
Council of Scientific and
Industrial Research,
Anusandhan Bhawan,
2, Rafi Marg, New Delhi-110001
2. Director,
National Physical Laboratory,
Dr.K.S.Krishnan Marg, New Delhi-12

..Respondents

O R D E R (ORAL)

Justice V.S. Aggarwal, Chairman

The applicant was appointed as Security Officer. It is stated that it was an isolated post. By virtue of the present application, he seeks quashing of the order dated 16.9.2003, by virtue of which the representation of the applicant seeking pay parity with the Hindi Officer, or in other words the scale of Rs.10,000-15,200, has been rejected.

2. Learned counsel for the applicant has contended that Sidhu Committee has been constituted and based on its recommendations certain other isolated posts particularly Hindi Officer had been granted the scale referred to above i.e. Senior Hindi Officer while the applicant has been discriminated and has not

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been granted the said scale.

3. The applicant has represented which has since been rejected.

4. Our attention has been drawn towards the letter of 30.1.2003 issued to the Directors of all National Labs./Instts. which reads:

" Sir,

I am directed to invite a reference to this office letter of even number dated 2.8.2000 conveying approval of Governing Body, CSIR for adoption of pay scales as admissible to the staff of Department of Official Language, Ministry of Home Affairs, Govt. of India for CSIR Raj Bhasha Staff. The Governing Body at its 155th meeting held on 19.12.2002 reconsidered its decision, keeping in view the fact that under the Central Secretariat Official Language Service promotions are vacancy based, whereas "CSIR Raj Bhasha Staff are covered under isolated category and promotion is assured on completion of prescribed number of years of service. Accordingly Governing Body has approved the following scales of pay for "CSIR Raj Bhasha Staff" covered under isolated category:-

- | | | |
|-------------------------|---|------------------|
| 1. Jr.Hindi Translator | - | Rs. 5000-8000 |
| 2. Sr.Hindi Translator | - | Rs. 5500-9000 |
| 3. Hindi Officer | - | Rs. 6500-10,500 |
| 4. Sr.Hindi Officer | - | Rs. 8000-13,500 |
| 5. Sr.Hindi Officer(SG) | - | Rs.10,000-15,200 |

The existing Hindi Officers who have been promoted to the scale of Rs.10,000-15,200 will continue to remain in that scale".

It is on this strength that the applicant contends that such relief should be granted.



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5. We heard the learned counsel for the applicant.


6. Perusal of the records reveals that the Director General, CSIR had approved that the Security staff would get different grades and Sr. Security Officer has been awarded the scale of pay Rs.8000-13,500.

7. Awarding the scale to a particular post is basically an executive function. This Tribunal would only be competent to interfere if there is a hostile discrimination in this regard.

8. We are of the considered opinion that in the present case such hostile discrimination is not shown. We have also reproduced the relevant portion of the letter dated 30.1.2003. Even it shows that the scale of the Senior Hindi Officer has been fixed as that of the applicant and only those persons who had been earlier granted the higher scale are to allowed as personal pay to them. This obviously has been done so as not to effect reduction in their pay scale which has been granted to them. In other words it was to be treated as if was personal pay. Keeping in view of this, it is obvious that there is precious little to prompt us to interfere in the matter.

9. Resultantly, the present Original Application must fail and is dismissed.


(S.K. Naik)
Member (A)


(V.S. Aggarwal)
Chairman