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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.1158/2004

New Delhi this the 25th day of January, 2005.

**HON'BLE MR. V.K. MAJOTRA, VICE-CHAIRMAN (A)
HON'BLE MR. SHANKER RAJU, MEMBER (J)**

S.R. Prabhas, System Supervisor,
Central Electricity Authority,
Ministry of Power,
Govt. of India,
Room No.325,
Sewa Bhawan,
R.K. Puram,
New Delhi-110066.

-Applicant

(Applicant in person)

-Versus-

Union of India through:

1. The Secretary, Ministry of Power,
Govt. of India,
Sharam Shakti Bhawan,
New Delhi-110001.
2. The Chairman, Central Electricity Authority,
Sewa Bhawan,
R.K. Puram,
New Delhi-110066.
3. The Secretary,
Department of Expenditure,
Ministry of Finance,
North Block,
New Delhi-110001.

-Respondents

(By Advocate Shri S.K. Gupta)

O R D E R (ORAL)

Mr. Shanker Raju, Hon'ble Member (J):

Applicant seeks implementation of paragraph 168.3 of 5th Central Pay Commission's report to grant him pay scale of Rs.14300-18300 w.e.f. 1.1.1986 to the post of System Supervisor with a further request to implement paragraph 22.41 of 5th Central Pay Commission's report and merge the post of System Supervisor in Central Electricity Authority with

all consequential benefits. It is also prayed that Department of Expenditure be directed to implement the Flexible Complementing Scheme (FCM) in Central Electricity Authority.

2. Applicant, who appeared in person, is working as a System Supervisor w.e.f. 7.12.1995 and as per the recommendations of the 5th Central Pay Commission was accorded the normal pay scale of Rs.12000-16500. It is not disputed that for the post of System Supervisor in the Central Electricity Authority no separate recommendation has been made for grant of revised pay scale as prayed by applicant but in paragraph-IV it is contended that if any Central Government post is left out without allotment of revised pay scales in the Report, it should be given the commensurate revised scale of pay as applicable for posts with similar entry qualifications and duties and responsibilities should be accorded the same pay scale. In this letter it is stated that having accepted these recommendations in the light of recommendations made by the Under Secretary that the post of System Supervisor is inter-changeable in so far as qualifications are concerned, with Assistant System Engineer and in the light of the fact that one Shri P.D. Ubale who had been performing the functions as Assistant System Engineer though holding the qualification of M.Sc. (Mathematics), claim of applicant is to be acceded to.

3. On the other hand, respondents' counsel Shri S.K. Gupta, vehemently denied the contentions and stated that the revision of pay scale would be given to those Group 'A' posts where the incumbents had completed 13 years of service and this should be in the Organized Central Service. As applicant lacks basic entry qualification of possessing of Degree in Engineering, recommendations made in paragraph 168.3 are not applicable to him.

4. As regards recommendation made by Central Electricity Authority, it is stated that having considered the same, claim of applicant was

already considered and having been rejected again on 3.3.2004, he has no valid claim.

5. We have carefully considered the rival contentions of the parties and perused the material on record.

6. It is trite law that grant of pay scale is the prerogative of the Expert Body like Pay Commission. Moreover, grant of pay scale is qualified by minimum eligibility criteria to be possessed by the incumbent. For want of any recommendation for grant of pay scale of Rs.14300-18300 to the System Supervisor, no resort can be made to paragraph 168.3 of the 5th Pay Commission's recommendations because as a pre-requisite not only the functional duties and responsibilities but entry level qualifications are also to be fulfilled. As applicant does not possess the qualification of a Degree in Engineering, merely because the post was inter-changeable would not bring him within the ambit of paragraph 168.3 or paragraph 22.41 of the 5th Central Pay Commission's recommendations. As such the pay scale prayed for by applicant cannot be accorded to him.

7. As regards isolated post, an isolated post is defined under the Assured Career Progression (ACP) Scheme promulgated in 1998 and as per this the isolated post is the post where neither feeder cadre nor promotional channel is applicable. In the light of the fact that the cadre of applicant consists of Programmer, Senior Programmer and System Supervisor it cannot be treated as an isolated post. As such, the benefit given to Shri Ubale cannot be extended to him. Moreover, the ACP is not extendable to Group 'A' officers.

8. The contention of applicant that one should have avenues of promotion, we find that applicant who was directly appointed as Senior Programmer has been promoted as System Supervisor and further promotion would be operated as per law.

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9. In this view of the matter, as applicant is not eligible for grant of pay scale of Rs.14300-18300, OA is bereft of merit and is accordingly dismissed. No costs.

S. Raju
(Shanker Raju)
Member (J)

V.K. Majotra
(V.K. Majotra)
Vice-Chairman(A)

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