

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

O.A. NO.1288/2004
M.A. NO.1094/2004

This the 3rd day of February, 2005.

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

1. M. Krishnamoorty
Employee Code No.A082756
2. D.D.Verma
Employee Code No.A082699
3. Smt. A. Pravathy V. Pathy
Employee Code No.A082714
4. B.S. Rana
Employee Code No.A082730
5. S.P.Bansal
Employee Code No.A082743
6. Dev Prakash
Employee Code No.A082727
7. Supriya Basu
Employee Code No.A126135
8. R.S.Khari
Employee Code No.A125576
9. S.S.Narayanan
Employee Code No.A155025
10. Smt. Kamla
Employee Code No.A082785
11. Smt. Talvinder Kaur
Employee Code No.A082772
12. D.K.Sheemar
Employee Code No.A082800
13. Vijay Kumar
Employee Code No.A082769
14. Ashok Kumar Sharma
Employee Code No.A082798

All C/O Joint Secretary (Training) & CAO,
Ministry of Defence,
E Block, Krishna Menon Marg,
New Delhi.

... Applicants

(By Shri P.K.Sharma, Advocate)



versus

1. Union of India through
Secretary, Ministry of Finance,
Department of Expenditure,
North Block, New Delhi.
2. Secretary, Ministry of Defence,
New Delhi.
3. Joint Secretary (Training) & CAO,
Ministry of Defence,
E Block, Krishna Menon Marg,
New Delhi.

... Respondents

(By Smt. P. K. Gupta, Advocate)

O R D E R

Hon'ble Shri V.K.Majotra, Vice-Chairman (A) :

Applicants are aggrieved as initially the post_s of Technical Assistant (Signal Intelligence Directorate) held by applicants and Statistical Assistant (Armed Forces Headquarters/Inter Services Organisations) were in the same pay scale of Rs.1400-2300. Later on these posts were re-designated as Data Entry Operator-D (DEO-D) in the pay scale of Rs.1600-2660 vide Government of India letter dated 8.1.1991. But in terms of Government of India letter dated 16.12.1994 Statistical Assistants of AFHQ/ISOs cadre were re-designated as Data Processing Assistants-B (DPA-B) and awarded the pay scale of Rs.2000-3200. However, the Technical Assistants/DEO-D of SI directorate, i.e., the applicants, continued in the old pay scale of Rs.1600-2660 as per August, 1997 letter. It is alleged that applicants' representation dated 24.10.2002 has been rejected by the impugned orders Annexure-A dated 18.7.2003 without disclosing any proper reason for rejection.

2. Applicants 1 to 5 are presently working on the post (after promotion/re-designation) of Senior Technical Assistant and applicants 6 to 14 are presently working on the post (after promotion/re-designation) of DEO-D, i.e., Data Entry



Operators in the office of Joint Secretary (Training) & CAO, Ministry of Defence in different pay scales of Rs.2000-3200 and Rs.1600-2660 respectively.

3. MA No.1094/2004 has been filed by all these applicants having similar grievances, common cause/relief. This MA for joining together is allowed.

4. The learned counsel of applicants contended that initially the post of Technical Assistant in the SI Directorate and that of Statistical Assistant in the AFHQ/ISO, both of which are cadre of respondent No.3 and were in the same pay scale of Rs.1400-2300. Afterwards both these posts were brought under Electronic Data Processing (EDP) cadre by re-designating as DEO-D in the pay scale of Rs.1600-2660. However, the pay scale of the post of Statistical Assistant of AFHQ/ISO has been upgraded to Rs.2000-3200 leaving behind the Technical Assistants of the SI Directorate in scale of Rs.1600-2660. The learned counsel contended that the qualifications for both posts as also their duties and functions are identical. As a matter of fact, the applicants have ~~to have~~ ^{to have} additional qualification of knowledge of a foreign language and have more onerous duties and responsibilities than the Statistical Assistants of the AFHQ/ISO. Thus, respondents do not have any valid reason for denying the applicants the same scale of Rs.2000-3200 as accorded to the post of Statistical Assistants of the AFHQ/ISO. The learned counsel further relied on CAT Full Bench order dated 31.7.2000 in OA No.2639/1999 (Principal Bench) – ***Babu Lal & Others v Union of India & Others*** seeking revision of pay scale for applicants to Rs.2000-3200 w.e.f. 1.1.1986.

5. The learned counsel of respondents, on the contrary, contended that there is an inherent difference in the cadre structure and the duties and responsibilities of EDP posts in the SI Directorate and the cadre of Statistical Assistants in the AFHQ/ISO. He stated that the duties and responsibilities of EDP posts in the SI Directorate are not exclusively related to electronic data processing

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work and as such applicants could not be granted the higher pay scale of Rs.2000-3200 as accorded to the electronic data processing posts in the AFHQ/ISO, which are exclusively engaged in electronic data processing work.

6. We have considered the respective contentions of the parties as also perused the material on record.

7. It is not disputed that initially the posts of Technical Assistant in the SI Directorate and Statistical Assistant in the AFHQ/ISO were in the same pay scale of Rs.1400-2300. It is also undisputed that later on both kinds of posts were re-designated as DEO-D in the pay scale of Rs.1600-2660 vide Government of India letter dated 8.1.1991. However, in terms of Government of India letter dated 16.12.1994, Statistical Assistants of AFHQ/ISO cadre were re-designated as DPA-B and placed in the superior pay scale of Rs.2000-3200. However, the Technical Assistants/DEO-D of SI Directorate were continued in the old pay scale of Rs.1600-2660 as per August, 1997 letter.

8. Now we proceed to examine whether the qualifications, duties and responsibilities of the post of Technical Assistant (DEO-D) in SI Directorate are any different and inferior to those of the post of Statistical Assistant (DPA-B) of AFHQ/ISO cadre, who have been accorded the higher pay scale of Rs.2000-3200.

9. Annexure A-2 dated 8.1.1991 relating to revision of pay scales of EDP posts on the basis of the report of the committee set up by the Department of Electronics on the recommendations of the Fourth Central Pay Commission, provides the revised designations and revised pay scales of the posts of Statistical Assistant, AFHQ/ISO and Technical Assistant, GS/SI Army HQ. The existing pay scale of both categories of posts was Rs.1400-2300. Both categories were re-designated as Data Entry Operator Grade-D and accorded revised pay scale of Rs.1600-2660. It is clear from these instructions that both categories of posts were engaged in the electronic data processing functions. Their existing pay

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scales, revised designations and revised pay scales were identical. On the basis of this document, the inevitable conclusion is that the duties and functions of these two posts were the same and as such, they were allocated the same revised designation and revised pay scales. Annexure-I to Ministry of Defence letter No.A/26031/EDP/CAO/CP dated 6.12.1994 prescribes the following qualifications for the post of Statistical Assistant (DPA-B), AFHQ/ISOs (Rs.2000-3200):

“(a) Graduates in Science/Mathematics/Statistics/Economics subjects and having a certificate in Computer Programming will be placed in the scale of Rs.2000-3200 (Data Processing Assistant Grade-B).”

Annexure A-4 dated 30.12.1991 has notified Ministry of Defence, Armed forces Headquarters and Inter Services Organisations (Data Entry Operators Group ‘C’ Posts) Recruitment Rules, 1991. For the post of Data Entry Operator Grade-D the following qualifications have been prescribed under these rules:

“Promotion

Data Entry Operator Grade ‘D’ with 7 years’ regular service in the grade including service rendered in the erstwhile grade of Senior Computer.

Note: If any person in the feeder grade is considered for promotion, all persons senior to him in the grade shall also be considered notwithstanding that they may not have rendered the requisite qualifying service for promotion.

Transfer on deputation

Officers of the Central Government:-

- (a)(i) holding analogous posts on regular basis; or
- (ii) with 4 years’ regular service in posts in the scale of Rs.1400-2300/2600 or equivalent; or
- (iii) with 7 years’ regular service in posts in the pay scale of Rs.1350-2200 or equivalent; and
- (b) possessing the following educational qualifications:-
- (i) Degree in Statistics or Mathematics/Economics/commerce with Statistics as a subject from a recognized University or equivalent;
- (ii) Should possess a speed of not less than 8000 Key Depressions per hour for Data Entry Work.”

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Annexure A-5 dated 15.11.1991 has notified Ministry of Defence, Signals Intelligence Directorate, General Staff Branch, Army Headquarters (Data Entry Operators Group 'C' Posts) Recruitment Rules, 1991. For the post of Data Entry Operator Grade 'D' following qualifications have been prescribed:

"Promotion:

Data Entry Operator Grade 'B' with 7 years' regular service in the grade including service rendered in the erstwhile grade of Technical Clerk.

Note: If any person in the feeder grade is considered for promotion, all persons senior to him in the feeder grade shall also be considered notwithstanding that they may not have rendered the requisite qualifying service for promotion.

Transfer on deputation

Officers of the Central Government:-

- (a)(i) holding analogous posts on regular basis; or
- (ii) with 4 years' regular service in posts in the scale of Rs.1400-2300/2600 or equivalent; or
- (iii) with 7 years' regular service in posts in the pay scale of Rs.1350-2200 or equivalent; and
- (b) possessing Bachelor's degree with Mathematics, Statistics or Mathematical Statistics as one of the subjects of a recognized University or equivalent and a speed of not less than 8000 Key Depressions per hour for Data Entry work."

10. Respondents have not been able to indicate how the qualifications prescribed for the post of Statistical Assistants (DPA-B) in AFHQ/ISOs are superior to those prescribed for the post of Technical Assistants (DEO-D) of SI Directorate. As a matter of fact, respondents have admitted that Technical Assistants (DEO-D) of SI Directorate have to have knowledge of some specified foreign language in addition. The only distinguishing feature in the duties and responsibilities of the two posts pointed out on behalf of the respondents is that while the duties and responsibilities of EDP posts in AFHQ/ISOs are exclusively related to electronic data processing work, it is not so in the case of Technical Assistants (DEO-D) of SI Directorate. However, respondents have not been able to deny that the duties and responsibilities of the post of Technical Assistant in SI

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Directorate are related to electronic data processing work but in addition they have to perform some additional duties and responsibilities. Certainly, the duties and responsibilities of the post of Technical Assistant held by applicants are more onerous as not only they perform electronic data processing functions, they have to carry out some additional duties and responsibilities. Applicants have been carrying out similar duties as Statistical Assistants of AFHQ/ISOs and as such enjoying the same pay scale for a number of years. Then without any specified reason, while they were kept at the same level in the matter of pay scale, posts of Statistical Assistants in AFHQ/ISOs were accorded higher pay scale. Annexure A-2 dated 8.1.1991 makes it absolutely clear that the posts of Statistical Assistants, AFHQ/ISOs and Technical Assistants, GS/SI Army Headquarters were engaged in electronic data processing and as such had the same duties and functions. In what manner the duties and functions of these two posts have differed and how much, has not been explained at all on behalf of respondents. Allocation of a higher pay scale to the post of Statistical Assistants in AFHQ/ISOs is clearly arbitrary and discriminatory against applicants whose qualifications, duties and responsibilities are not inferior in any manner to those of the post of Statistical Assistants in AFHQ/ISOs. In our considered view, therefore, the applicants have fully justified allocation of the pay scale of Rs.2000-3200 as accorded to the post of Statistical Assistants in AFHQ/ISOs. The ratio of the Full Bench case in *Babu Lal* (supra) is also clearly applicable to the applicants' case.

11. In the facts and circumstances of the case and in the light of the observations and discussion made above, Annexure-A dated 8.7.2003 is quashed and set aside. Respondents are directed to consider revising applicants' pay scale to Rs.2000-3200 w.e.f. 1.1.1986 or the date of appointment of applicants, whichever is later, as admissible to Statistical Assistants (DPA-B) in AFHQ/ISOs. Respondents shall accordingly grant the consequential benefits arising from this

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order to applicants within a period of four months from the date of receipt of a copy of this order. There shall be no order as to costs.

12. OA is allowed in the above terms.

S. Raju
(Shanker Raju)
Member (J)

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

/as/