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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

O.A. NO.354/2004

This the 7th day of August, 2006

**HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)
HON'BLE SHRI MUKESH KUMAR GUPTA, MEMBER (J)**

1. Brij Mohan Sharma S/O Sant Ram,
R/O Flat No.83, akash Kunj,
Plot No.14, Sector-9,
Rohini, Delhi-110085.
2. Praveen Kumar S/O Jai Singh,
Village & P.O. Duhai,
Distt. Ghaziabad (UP),
Pin-201206.
3. Sunil Kumar Tyagi S/O Ramesh Chand Tyagi,
Village & P.O. Rawli,
Distt. Ghaziabad (UP). ... Applicants

(By Shri Ashwini Bhardwaj, Advocate)

versus

1. Indian Council of Medical Research through
Director General, 22 Sham Nath Marg,
Delhi-110009.
2. Malaria Research Centre
through its Director,
22 Sham Nath Marg,
Delhi-110009. ... Respondents

(By Ms. Nidhi Bisaria for Shri V.K.Rao, Advocate)

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ORDER

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

Applicant No.1 was appointed as Field Laboratory Attendant on *ad hoc* and purely temporary basis on Rs.800/- per month in pay scale Rs.800-1150 vide order dated 19.10.1987. Applicants 1 and 2 were appointed on the post of Field Worker on consolidated pay of Rs.1450/- vide order dated 15.3.1989, and applicant No.3 was appointed as Lab Attendant on 15.3.1989 on consolidated pay of Rs.1150/-. According to applicants they have been discriminated against *qua* some other similarly situated employees such as Mahesh Kumar Jaiswal appointed on the post of Technician on consolidated pay vide order dated 30.11.1988 but who was granted regular pay scale vide order dated 3.3.1989. Similarly, one Rajendra Prasad who was appointed as clerk on consolidated pay vide order dated 30.11.1988 was granted running pay scale vide order dated 3.3.1989. Yet, another Belam Singh was appointed to the post of Peon on consolidated pay vide order dated 30.11.1988 and placed in regular pay scale vide order dated 3.3.1989. Through this OA applicants have sought running pay scale with consequential benefits with effect from the dates of their appointments.

2. At the outset, the learned counsel of respondents pointed out that this application is barred by limitation as the cause of action had arisen w.e.f. 15.3.1989 when applicants were appointed on a



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consolidated pay vide Annexure-2. The learned counsel stated that applicants have not explained the inordinate delay satisfactorily.

3. Certainly, applicants have not submitted even an application for condonation of delay and not explained the delay. In any case, this application, even otherwise, does not have any merit as discussed below.

4. The learned counsel of applicants stated that while on 19.10.1987 applicant No.1 had been appointed as Lab Attendant on *ad hoc* and purely temporary basis in a pay scale as per Annexure A-1 dated 19.10.1987, later on vide order Annexure-2 dated 15.3.1989 he was appointed on consolidated pay instead of a pay scale. Again applicants 2 and 3 were appointed as Field Worker/Lab Attendant on 15.3.1989 on a consolidated pay of Rs.1450/- in the IDVC Project. Applicants had made representations for placement in regular scales and though respondents had appointed certain persons as stated above in regular scales, applicants were not considered for placement in regular pay scale. The learned counsel relied on respondents' orders Annexure R-1 (colly.) dated 9.12.1987 according revised pattern of staff component in Research Schemes/Projects. In terms of these instructions, the learned counsel stated that applicants ought to have been placed in a running scale.

5. The learned counsel of respondents on the other hand, pointed out that in terms of Annexure A-1 dated 19.10.1987 while the

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services of applicant No.1 were not to be continued beyond three months from 19.10.1987 being *ad hoc* and purely temporary in nature, his appointment on the post was not continued further. He was then appointed along with the other two applicants as per Annexure-2 dated 15.3.1989 on a consolidated pay. In this manner, instructions as to the pay/pay scales of all the three applicants would be regulated in terms of respondents orders dated 9.12.1987, 30.12.1987 and 11.10.1988. According to these instructions, applicants have been correctly allowed a consolidated pay and not placed in a regular pay scale. The learned counsel further submitted that applicants were appointed on 15.3.1989 and that none of the persons appointed on or after 15.3.1989 have been granted a running pay scale.

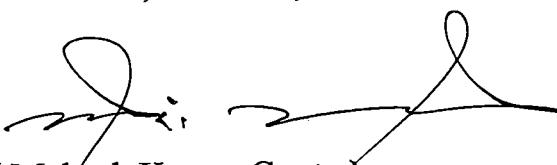
6. We have considered the contentions of parties as also the material placed on record and further produced on behalf of respondents.

7. Instructions dated 9.12.1987 have been made effective w.e.f. 1.12.1987. These instructions stipulate that vacant posts in the existing *ad hoc* Projects/Task Force Projects should be filled according to the new pattern of emoluments. The consolidated salary per month indicated for the post of Field Worker and Lab Attendant is Rs.1200/- and Rs.1000/- per month respectively. Services of applicant No.1 had not been continued beyond three months from 19.10.1987. All the three applicants here were appointed by Annexure-2 dated 15.3.1989 on a consolidated salary. While the

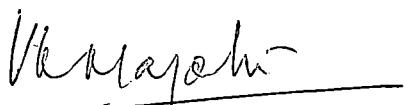
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aforesaid instructions dated 9.12.1987 had become effective w.e.f. 1.12.1987, instructions dated 30.12.1987 stated that staff already engaged on the existing *ad hoc* projects sanctioned prior to 1.12.1987 may be allowed to opt for the corresponding/translated pay scales as recommended by the 4th Central Pay Commission. Applicants herein were appointed much after 1.12.1987 and as such revised pay scales shall not be applicable to them. In terms of later circular dated 11.10.1988, Field workers and Lab Attendants who form non-scientific staff were to continue to be engaged on a consolidated salary but were entitled to receive consolidated salary at rates revised w.e.f. 1.10.1988, as indicated in the annexure to this circular. So, while these applicants are not entitled to grant of any running pay scale, they would get a maximum revised consolidated salary of Rs.1800/- w.e.f. 1.10.1988.

8. In the facts and circumstances of the case as discussed above, applicants are held not entitled to grant of running pay scale. The OA is, therefore, dismissed on merits.



(Mukesh Kumar Gupta)
Member (J)



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

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