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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 531/2004

New Delhi this the 24th December 2004

Hon'ble Shri Shanker Raju, Member (J)
Hon'ble Shri S.A.Singh, Member (A)

Ganpat Singh,
R/o H.No.17, Sector VI,
R.K.Puram, New Delhi.

Applicant

(By Advocate Shri Yogesh Sharma)

VERSUS

1. Union of India through the Secretary,
Ministry of Defence, South Block,
New Delhi.
2. The Chief of the Naval Staff,
Naval Head Quarter (DCP),
New Delhi.
3. The Commanding Officer,
INS India, Dalhousie Road, New Delhi.

Respondents

(By Advocate Mrs. Harvinder Oberoi)

ORDER

(Hon'ble Shri S.A. Singh, Member (A))

The applicant was employed as Rigger w.e.f. 1.7.1955. He retired from the post of Leading Rigger on attaining the age of 58 years, on 30.6.1993. He was promoted in the scale of Rs.260-400 on 1.8.1986 and his pay fixed in this scale. However, in compliance with the judgement of the Hon'ble CAT(PB) in OA 1894/1998, the pay of the applicant was re-fixed in the scale of Rs. 330-480.

2. Applicant seeks re-fixation of his pay, pension and other retirement benefits by considering the post of Leading Rigger to be in the scale of Rs. 380-560 and not in the scale of Rs.330-480.

3. The posts of Industrial worker were restructured in 1981. Prior to restructuring the

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avenue of promotion for Riggers was as under:

Rigger II Rs. 210-290
Rigger I Rs. 225-380
Leading Rigger Rs. 260-400
Rigger A Rs. 380-560

After restructuring the grade of industrial workers were given and the 4 tier structure replaced by 5 tier pay structure, in the Navy, as given below :

Sl.no.	Category	Pay Scale
(a)	Unskilled	Rs. 196-232
(b)	Semiskilled	Rs. 210-290
(c)	Skilled	Rs. 260-400
(d)	Highly Skilled Grade II	Rs. 330-480
(e)	Highly Skilled Grade I	Rs. 380-560

With this restructuring, Rigger 'A' and Leading Rigger who were in the pay scale of Rs.380-560 and Rs.260-400 respectively were replaced by Highly skilled grade I and II in the pay scales of Rs.380-560 and Rs.330-480 respectively. It is the claim of the applicant that Leading Rigger should have been given replacement in the Highly skilled Grade I and not Highly skilled grade II.

4. Applicant claims that persons similarly situated to Leading Riggers, working in the Department have been granted the revised scale of Rs.380-560 with effect from 1982.

5. Needless to say that the averments of the applicant were contested by the respondents. The applicant was promoted to Leading Rigger w.e.f. 1.8.1986 and his pay has been fixed in the Highly skilled grade II i.e. in the pay scale of Rs.330-480. The applicant had never worked in pay scale of Highly skilled grade I, thus the question of fixing his salary in this grade does not arise. The Highly skilled grade I was only admissible to those who had qualified the departmental examination and after DPC finding them suitable for promotion to highly skilled grade I. The applicant had not qualified this examination and , therefore, his pay has been correctly fixed.

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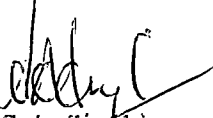
6. The respondents have also contested the claim of the applicant that similarly situated persons have been granted Highly skilled grade I. in the scale of Rs.380-560 with retrospective effect i.e. from 1982 as baseless, false and devoid of truth. After restructuring, the pay of three persons who were already working in the post of Leading Rigger was revised to Rs.330-480 and the post of Leading Rigger was abolished vide GOI letter dated 16.12.1981.

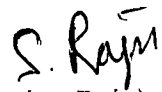
7. We have heard the learned counsel for the parties and gone through the relevant documents on record. We find that the applicant retired from service from the post of Leading Rigger on 30.6.1993 in the old pay scale of Rs.260-400 (new scale of Pay Rs.950-1500). In the industrial worker list this pay scale would fall in the category of skilled as is apparent from table reproduced in para 3 above. The post of Leading Rigger and Rigger A were abolished and replaced by highly skilled grade II and highly skilled grade I in the pay scale of Rs. 330-480 and Rs. 380-560 respectively. The applicant was granted the revised grade of highly skilled grade II (Rs. 330-480) and pensionary benefits fixed in accordance with the rules.

8. In the case of **UOI & Ors Vs. Indu Lal and Ors** in which case of **UOI Vs. P.V. Hariharan** (1997(3)SCC 568) the court observed that courts/Tribunals are not to interfere with pay scale without proper reasons and without being conscious to the fact that fixation of pay is not there function. In the case of **UOI Vs. Makhan Chandra Roy** (1997 (11)SCC 182) it was reiterated that the equation of posts or pay must be left to the executive Government and must be determined by the expert body like the Pay Commission. Further in the case of **State of Maharashtra Vs. Chandrakant Anant Kulkarni** (1981 (4)SCC 130) it has been observed that matter of equation of posts is purely administrative function and as such may be left to the concerned government.

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9. From the foregoing, it is clear that the Tribunal is not to interfere without proper reasons. The applicant has not shown that the fixation of his pay in the Highly Skilled Grade-II category was vitiated by arbitrariness or contrary in law. Resultantly, the OA fails being without merit and is dismissed. No costs.


(S.A. Singh)
Member (A)


(Shanker Raju)
Member (J)

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