

Central Administrative Tribunal
Principal Bench

O.A. No. 2806 of 1992

New Delhi, dated this 14th 6th December, 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)
Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

S/Shri

1. N.K. Gaba,
S/o Shri L.D. Gaba,
R/o E.P. 362/15, Jacom Pura,
Gurgaon.
2. R.S. Bhatia,
S/o Shri H.G. Bhatia
R/o C-116, West Patel Nagar,
New Delhi-110008.
3. Kamta Prasad,
S/o Shri Jangli Ram,
R/o B-462A, Sector 19,
NOIDA (Ghaziabad).
4. Sharwan Kumar,
S/o late Shri Dina Nath,
R/o 193, Sector 6, R.K. Puram,
New Delhi-110022.
5. S.C. Biswas,
S/o Shri R.C. Biswas,
R/o 801A, Devika Tower,
6, Nehru Place,
New Delhi-110019.
6. Banwari Rajak,
S/o Shri Makoi Lal,
R/o C-291A, Sector 19,
NOIDA (Ghaziabad).
(By Advocate: Shri R.K. Kapoor)

... Applicants

Versus

Union of India through

1. The Secretary,
Ministry of Communications,
Sanchar Bhawan, Ashoka Road,
New Delhi-110001.
2. The Secretary,
Ministry of Finance,
Government of India,
North Block,
New Delhi-110001.
(By Advocate: Shri N.C. Sikri, Sr. Counsel with
Ms. Geetanjali Goel)

... Respondents

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HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

(X)

This OA filed on 23.10.92 had come up for hearing on 22.7.99. None appeared for applicants. Respondents were represented by learned Sr. Counsel Shri N.C. Sikri who was assisted by Ms. G. Goel. After hearing Shri Sikri and perusing the materials on record, the aforesaid OA was dismissed by exparte order dated 22.7.99.

2. Thereupon applicants filed MA No. 1986/99 seeking rehearing of the OA. It was contended by learned counsel for applicants Shri R.K. Kapoor that by order dated 7.7.99 this OA was ordered to be listed for hearing on 15.9.99, but without notice to him, hearing of the case was brought forward to 22.7.99 and the OA was dismissed in his absence.

3. Respondents' counsel very fairly stated that he had no objection if the OA was reheard in the presence of both parties.

4. Accordingly the matter has been reheard in the presence of both parties.

5. Applicants seek revision of their pay scales from Rs. 2000-3500 to Rs. 2375-3500 with effect from the date the recommendations of the 4th Pay Commission were implemented i.e. 1.1.86 with arrears and interest thereon.

6. Admittedly applicants belong to TES Group 'B' of Telecom. Department and as per the 3rd Pay Commission recommendations, their pay scale was Rs. 650-1200. Applicants assert that TES Group 'B' service is the

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highest Group 'B' cadre in the Telecom. Engineering asse. and is filled 100% by promotion from the cadre of JTOs. They assert that they cannot be grouped with these services/posts mentioned in para 8.49(b) of ^{the 4th Pay Commission} report who had been recommended the revised scale of Rs.2375-3500, not least because which the pre revised scale of Rs.840-1200 was predominantly a promotional scale, the grade of TES Group 'B' was filled entirely by promotion.

7. We have considered these submissions carefully.

8. Admittedly applicants were in the prerevised scale of Rs.650-1200. This scale of Rs.650-1200 was in fact two scales with differing rates of increment viz. (a) Rs.650-30-740-35- 880-40-1200 and (b) Rs.650-45-1100-50-1200. The 4th Pay commission noted that the scale of Rs.650-1200 at (a) was the present standard scale for Group 'B' posts like Section Officers in Central Seett; Supdt. Excise & Customs; appraiser(Customs); Asstt. Engineers in P & T, Railways, Defence & CPWD; Jr. Scientific Officers in Defence and Grade 'A' of Central Seett. Stores Service. The Civil & Police Services(Group 'B') in UTs were also in this scale. Appointment to these categories of posts was both by promotion as well as by direct recruitment. The Pay Commission recommended that the two scales at (a) and (b) above be merged and given the scale of Rs.2000-3500.

9. The 4th Pay Commission also noted that there were the scales of (a) Rs.840-1200 which was predominantly a promotional scale for posts in the scale of Rs.500-900;

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Rs.775-1000 and Rs.650-960. There was also a scale of Rs.840-1040. The posts in these scales were the highest in Group 'B' and the Commission recommended a single replacement scale of Rs.2375-3500.

10. The fact that applicants who admittedly were in the prerevised scale of Rs.650-1200 were granted the revised scale of Rs.2000-3500 and not the revised scale of Rs.2375-3500 cannot be ascribed to any anomaly on the part of the 4th Pay Commission. Indeed the Commission in para 10.64 of their report have gone into the problems faced by TES Group 'B' Officers on promotion, in some depth. While discussing these problems in that paragraph the 4th Pay Commission has specifically noted that TES Group 'B' comprises posts of Asstt. Director; Assistant Engineer (emphasis added); Sub-Divisional Officer; Commercial Officer etc. and are in the scale of Rs.650-1200/-. It has also been noted that there is no direct recruitment at that level.

11. Thus, if Asstt. Engineers in P & T, like other Asstt. Engineers in Railways, Defence & CPWD, all of whom were in the prerevised scale of Rs.650-1200 have been granted the revised scale of Rs.2000-3500 and the revised scale of Rs.2375-3500 has been confirmed to those who were in the prerevised scale of Rs.840-1200 and Rs.840-1040 where the initial starting salary was clearly higher, it cannot be said that respondents' decisions are illegal and arbitrary so as to warrant

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our judicial intervention.

12. The OA is dismissed. No costs.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

S.R. Adige
(S.R. ADIGE)
VICE CHAIRMAN(A).

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