

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

OA No.1253/93

New Delhi this the 19th Day of January, 1995.

Hon'ble Sh. N.V. Krishnan, Vice-Chairman (A)
Hon'ble Dr. A. Vedavalli, Member (J)

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1. Mono Key-Board Operators'
Staff Association, Mayapuri,
Ring Road, New Delhi-110 064
through its President
Sh. S.S. Shagufa, JB/17-E, L.I.G.696,
G-8 Area, Rajouri Garden,
New Delhi-110 064.
2. Sh. Jagdish,
5-221/20-A, Vishnu Garden,
New Delhi-110 018.
3. Sh. Baldev Tahilyani,
S/o Sh. Tulsi,
R/o 14/42, Lajpat Nagar,
New Delhi.

...Applicants

(By Advocate Sh. D.R. Gupta)

Versus

1. Union of India through:
the Secretary, Ministry of
Urban Development,
Nirman Bhawan,
New Delhi.
2. Director of Printing,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi.
3. The Manager,
Government of India Press,
Mayapuri,
New Delhi-110 064.

...Respondents

(By Advocate Sh. Jog Singh)

ORDER(ORAL)

Hon'ble Mr. N.V. Krishnan:-

The first applicant is the Mono Key-Board Operators Staff Association and the other applicants are two Mono-Key Operators, who are aggrieved. The applicants work under the third respondent - Manager, Government of India Press, Mayapuri.

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2. The grievance of the applicants is that after the recommendations of the Fourth Central Pay Commission were implemented by the Government their chances of promotion have practically been reduced to a nullity.

3. It is stated that there are 31 persons employed as Mono Key-Board Operators, as seen from Annexure-I. Prior to the recommendations of the Fourth Central Pay Commission, the applicants were in the pay scale of Rs.380-560. There was a selection grade in the pay scale of Rs.425-700. The number of posts was limited to 15% of the cadre, i.e., probably about 4 or 5 posts. As far as the regular promotion is concerned, there was only one post of Foreman in the same grade of selection, i.e., grade Rs.425-700.

4. The Fourth Central Pay Commission had considered in Chapter 23 of its Report the subject 'Promotion Policy'. Inter alia, the Commission had recommended as under:-

"23.10. We are also of the opinion that the present scheme of selection grades, which has not provided uniform benefit to various categories of employees, should be reviewed. We have recommended the scale of pay of Rs.750-8-790-EB-10-940 for group 'D' employees at the lowest level with a longer span, in replacement of the existing ordinary and selection grades. For certain other categories of posts also, like the organised accounts staff and the junior engineers, we have recommended that existing selection grades should become a promotional level. We are therefore of the view that the selection grades should not be continued for posts in group 'C' and 'D' where they are available at present. The existing incumbents in the selection grades may be allowed to continue in the appropriate scales recommended by us. In order to provide relief to those who reach the maximum of their scale of pay, we recommend grant of one stagnation increment on completion of every two years at the maximum of the respective scales. A maximum of three such increments may be allowed. The scheme of stagnation increment should be applicable to all cadres in groups in 'B' and 'C' and 'D' and also for posts in group 'A' upto the senior time scale level. At the same time, there should be cadre reviews after a prescribed period with a view to identifying the grades/posts which could be upgraded taking into account their duties and responsibilities and consistent with the need to promote efficiency in administration." (emphasis given)

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5. It is stated by the applicants that this recommendation was accepted and accordingly the selection grade which was in existence was abolished. However, the other concomitant step required to be taken viz. a cadre review, as mentioned in the last sentence of the recommendations of the Pay Commission, extracted above has not been taken up for implementation.

6. The result is that after the Fourth Central Pay Commission's recommendation regarding abolition of selection grade was implemented, there was only one post for promotion viz. Foreman in the grade of Rs.1600-2660 for the applicants. The applicants also refer to the Ministry of Finance, Department of Expenditure OM dated 13.9.91, which, in certain circumstances grants to employees the next higher pay scale, if they are not otherwise promoted in their career. It is in this background that the applicants have prayed for the following reliefs:-

"8.1 To direct the respondents to provide suitable promotional avenues to the applicants so as to ensure that they should get at least three promotions in their service career, by formulating a scheme for promotion on the lines of time-bound promotion/Bannial Cadre Review Scheme in operation in the Department of Telecommunication;

8.2 To direct the respondents to give effect to the scheme outlined by the Ministry of Finance, Deptt. of Expenditure vide their O.M. No.10(1)/E.III/88 dated 13.9.1991"

7. The respondents have filed a reply stating that Mono Key-Board Operators can get promoted only as Foreman in the scale of Rs.1600-2660. However, it is stated that orders of Government have been received vide OM dated 18.10.93 (Annexure A-1) which states that the Ministry of Urban Development has approved the pay scales indicated therein for in situ promotion in the categories of posts mentioned

therein. In respect of Mono Key-Board Operators, which is on the pay scale of Rs.1320-2040, the pay scale for in situ promotion is Rs.1600-2660. It is stated in the reply that the scheme is now being implemented and all cases are under scrutiny at present.

8. When this matter came up for final hearing today, the learned counsel for the applicants submitted that the applicants have practically lost both ways. They have lost selection grade as a result of the decision of Government on the recommendations of the Fourth Central Pay Commission, particularly, in para 23.10 thereof, reproduced above. The cadre review contemplated therein is not being held. No doubt, the Ministry of Finance has notified a scheme in the OM dated 13.10.91 (Annexure A-3) for the career advancement of Group 'C' and Group 'D' employees. The learned counsel points out that, no doubt, it is a welcome decision but the conditions subject to which the benefit of that scheme can be obtained are such that hardly any person would be benefited. Those conditions are mentioned in para-2 of that OM, which is reproduced below:-

"2. This matter has accordingly been under consideration of the Government for some time past and the President is now pleased to introduce a scheme to ensure at least one promotion in service career to each Group 'C' and 'D' employee. This scheme shall be applicable to (i) employees who are directly recruited to a Group 'C' or to Group 'D' post; (ii) employees whose pay on appointment to such a post, is fixed at the minimum of the scale; and (iii) employees who have not been promoted on regular basis even after one year on reaching the maximum of the scale of such post. The scheme will have the following basic features:-"

9. It is thus clear that the scheme will apply only to direct recruits, whose pay was fixed at the minimum of the pay scale and, who have not been promoted on a regular basis even after stagnating at the maximum of the scale of such

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posts for one year. The learned counsel states that experience shows such a situation never arise because at that time the pay scales are revised on the basis of the recommendations of some Pay Commission. Revision of the pay scale upwards is not the same as a promotion.

10. With reference to the employees who are now on this establishment, as mentioned in Annexure A-1, the learned counsel pointed out that the earliest direct recruit, Prakash Chander, joined as Mono Key-Board Operator as early as on 1.6.64. He still has not been promoted even once. He has still not reached the maximum of the scale. He has, perhaps, to earn two increments to reach that maximum. Thereafter, he has to wait for one year before getting the in situ promotion. By that time the pay scales would be revised on the recommendations of the Fifth Central Pay Commission. He, therefore, states that this scheme is, for all practical purposes, illusory. In the circumstances the learned counsel has requested that no consideration need be given to the second prayer made by the applicants.

11. We had asked the learned counsel for the respondents as to why the Government did not consider the situation arising out of the abolition of the selection grade posts, particularly when it is required to be done in terms of the recommendation of the Pay Commission. There was no satisfactory reply.

12. We are also of the view that perhaps the Ministry of Finance OM dated 13.9.91 may not benefit a large section of employees in the circumstances described by the learned counsel for the applicant as stated above.

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13. We are certainly of the view that the applicants have been deprived of the selection grade without providing for an adequate compensatory scheme. It is evident that there is, in effect, only one post for promotion (Foreman) against 31 Group 'C' employees, many of whom may be direct recruits. In the circumstances, we are of the view that this OA has to be disposed of with certain directions to the respondents. We are aware that the Fifth Central Pay Commission has already been appointed. However, as this matter relates to the non-implementation of a recommendation of the Fourth Central Pay Commission, we are of the view that the first respondent should be given suitable direction.

14. We, therefore, direct the first respondent to reconsider the claims of the applicants in this regard in the light of the recommendations of the Fourth Central Pay Commission in para 23.10, particularly the last sentence of that para extracted in para 4 supra, and also in the light of the scheme which obtains in the Department of Telecommunications viz. the One Time Bound Promotion Scheme or in the alternative, consider applying the Ministry of Finance OM dated 13.9.91 with a modification indicating the specific number of years of service after which the benefit of that scheme would be given irrespective of whether the maximum of the pay scale is reached or not. Needless to say, the easiest way to grant relief is to specify a period of service to be completed to be promoted to the next higher grade. It is open to the respondents to consider any other alternative also. Considering the nature of the problem, we direct the

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first respondent to take appropriate decision in this regard within a period of 4 months from the date of receipt of this order. The O.A. is disposed of, as above. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member(J)

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19.1.95
(N.V. Krishnan)
Vice-Chairman(A)