

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

16

O.A. NO.1636/1993.

NEW DELHI, THIS THE 20th DAY OF AUGUST, 1999.

HON'BLE MR. JUSTICE K.M. AGARWAL, CHAIRMAN
HON'BLE MR. N. SAHU, MEMBER (A)

Shri Prahlad Sharma,
S/o Shri Desh Raj Sharma,
Book-Binder in the office
of the Deputy Director General of Meteorology,
(Instrument Production)
India Meteorology Department,
Lodhi Road,
New Delhi.

.....APPLICANT.

(BY SHRI R.R. RAI FOR SHRI B.S. MAINEE, ADVOCATE)

vs.

1. The Secretary
Ministry of Science & Technology,
Technology Bhawan
Mehrauli Road
New Delhi.
2. The Director General of Meteorology,
I.M.D. Building,
Lodhi Road,
New Delhi.
3. The Deputy Director General of Meteorology
(Instrument & Production)
I.M.D. Building,
Lodhi Road, New Delhi.

.....RESPONDENTS

(BY SHRI H.K. GANGWANI FOR SHRI K.C.D. GANGWANI, ADVOCATE)

ORDER

JUSTICE K.M. AGARWAL:

In this O.A. the applicant has made a prayer for upgrading the post of Book Binder by including it in Group 'C' in the pay scale of Rs.900-1400 at par with Book Binders in other departments of the Government. He has further made a prayer for directing the respondents to provide a channel of promotion for further advancement.

2. Briefly stated, the applicant is working as a Book Binder in the office of the Indian Meteorology Department, which is a group 'D' post. He claimed that as Book Binders in other departments of the Government were in

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Group 'C' with higher pay scale, he was also entitled to be placed in the same Group and the same pay scale. He made representations, which were rejected and, therefore, the present O.A. was filed for the aforesaid reliefs. The application is resisted.

3. After hearing the learned counsel for the parties and perusing the record and written arguments filed on behalf of the applicant, we are of the view that this O.A. has no merit and deserves to be dismissed. As has been pointed out by the respondents in their reply, the 4th Pay Commission, an Expert Body considered the claim raised by the applicant but found no justification for upgrading the post. In paragraphs 4.5 and 4.9 of their reply, the respondents have stated that:

"4.5. The proposal for upgradation having been turned down by the Third Pay Commission, India Met. Deptt. re-examined a proposal to the effect that a scale of Rs.260-6-326-EB-8-350 (Group C) may be allowed to Book Binder in the India Met. Deptt. to bring it at par with the scale of Pay for Book Binders allotted by the IIIrd Pay Commission to the Govt. Press, Deptt. of Personnel & A.R. and Deptt. of Family Planning etc. At this stage keeping in view the fact that the superannuation age for Group D staff being 60 years and that of a Group C staff being 58 years, the petitioner who is holding a Group D post was informed that a proposal for upgrading the post of Book Binder to higher Group C grade of Rs.260-6-326-EB-8-350 was under consideration and the petitioner was asked to give written undertaking indicating the higher grade with superannuation age at 58 years acceptable to him."

"4.9. As per departmental recruitment rules notified in the Gazette from time to time, post of Book Binder in India Meteorological Deptt. is a group D post. India Meteorological Deptt. has only two posts of Book Binders of which the petitioner is one posted in the Office of the Dy. Director General of Meteorology (UI) at New Delhi and the other post exist at Pune in the Office of the Addl. Director General of Meteorology (R). Of these two posts,

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the post at Delhi of which the petitioner is the incumbent cannot be singularly upgraded. Third and Fourth Pay Commission had also rejected the proposal for upgradation on the ground that the post of Book Binder in India Meteorological Deptt. was not a workshop post."

The opinion of the 4th Pay Commission cannot be replaced by our opinion. It could be replaced by the Fifth Pay Commission but it appears that the Fifth Pay Commission also did not agree to upgrade the post of Book Binder in Meteorological Department of the Government. We, therefore, find no merit in this O.A.

4. In the result, this O.A. fails and it is hereby dismissed. No costs.

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(K.M. AGARWAL)
CHAIRMAN

N. Sahu
(N. SAHU)
MEMBER (A)