

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.1710/93

New Delhi this 8th June, 1994.

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CORAM:

Hon'ble Mr.S.R.Adige, Member(A).

Mohammad Shamsheer,
s/o Shri Irshad Hussain,
NCRB, East Block-7,
R.K.Puram, New Delhi-66. Applicant.
By Advocate Shri G.D.Chopra
Versus

1. Secretary,
Ministry of Home Affairs,
Govt. of India,
North Block, New Delhi-1.
2. Director,
National Crime Records Bureau,
East Block-7, R.K.Puram, New
Delhi.

..... Respondents.

None appeared for the respondents.

J U D G M E N T

In this application, Shri Mohammad Shamsheer has prayed that the respondents be directed to allow revised scale of Rs.1600-2660/- attached to the post of DPA-A(corresponding to the post of SI) to him w.e.f. 14.11.91, the date from which he was regularly appointed as SI in NCRB, together with payment of arrears.

2. The applicant's case is that he was promoted to the post of Sub-Inspector w.e.f. 14.11.91 along with/Shri Harnam Singh(Annexure-I) in the scale of Rs.1320-2040/- in the National Crime Records Bureau(NCRB), Home Ministry, Govt. of India. Under rationalisation of Electronic Data Processing (EDP) posts in NCRB,

the respondents in their O.M. dated 23.4.91 (Annexure-II), ^{the} ~~the~~ revised ^{the} pay scale of various posts in NCRB including that of Sub-Inspector from Rs.1320-2040/- to Rs.1600-2660/- w.e.f. 11.9.89. Shri Sikander Ali, who was senior to the applicant, was promoted to the post of Sub-Inspector w.e.f. 11.9.91, and while implementing the revised pay scale under EDP as recommended by the Finance Ministry on 8.10.92, Shri Sikander Ali, Sub-Inspector was given the corresponding revised scale of Rs.1600-2660/- w.e.f. 11.2.91 i.e. the date from which he was promoted as Sub-Inspector, whereas the applicant, who was promoted as Sub-Inspector on 14.11.91, was given lower revised scale of Rs.1400-2300/- (Annexure-III). The applicant states that he represented to the respondents followed by several reminders but received no reply, upon which he has filed this application. He alleges that even deputationists working as Sub-Inspectors, who were at one time junior to the applicant, were subsequently absorbed on 31.3.93 and 21.7.93 as the S.Is were given revised scale of Rs.1600-2660/-, whereas he had been denied the same.

3. In their reply, the respondents have challenged the contents of the O.A. They have pointed out that the applicant's representation has been decided by the Director, NCRB by order dated 28.10.93 which is a speaking order (Annexure-R1). It has been pointed out that the applicant having been enrolled as a Constable and subsequently promoted as HC (Key Punch Operator) had his line of promotion in the stream of Data Entry Operators and has no claim to fitment in Data Processing Assistant Stream which has

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different job descriptions and job requirements as per the model RRs (Department of Personnel & Training). He has, therefore, no claim to the post of DPA 'A'. It is stated that the applicant was not a Sub-Inspector on the date the EDP scales were sanctioned or from the deemed date of their implementation i.e. 11.9.89. He was promoted to the grade of Sub-Inspector only 14.11.91 and his claim for promotion as DEO Grade D (Rs.1600-2660/-) would be considered after following the prescribed DPC procedures.

4. I have heard Shri G.D.Chopra, learned counsel for the applicant. None appeared for the respondents.

5. The Finance Ministry's O.M. dated 23.4.91 (Annexure-II) revised the pay scales of various posts in NCRB including that of Sub-Inspector from Rs.1320-2040/- to Rs.1600-2660/- w.e.f. 11.9.89 as an existing incumbent'. Admittedly, the applicant was not promoted as Sub-Inspector till 14.11.91 and hence he cannot be termed as an existing incumbent'. The case of 'P.K.Ramachandra Iyer Vs. Union of India' - AIR 1984 SC 541 cited by Shri Chopra has no relevance to the facts of the case. Moreover the applicant has not named even a single person junior to him who has been granted the benefit of revised pay scale, which has not been granted to the applicant.

6. In the result, this application fails and is dismissed. No costs.

S.R. Adige
(S.R. ADIGE)
MEMBER (A)