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Central Administrative Tribunal
Principal Bench
New Delhi

O.A. No. 2158/93

Decided on 16.7.99

Kirori Mal & others Applicant

(By Advocate: Shri Deepak Verma)

Versus

U.O.I. & Others Respondents

(By Advocate: Shri V.S.R. Krishna)

CORAM

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

1. To be referred to the Reporter or Not? YES
2. Whether to be circulated to other outlying benches of the Tribunal or not? No.


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

Central Administrative Tribunal
Principal Bench

O.A. No. 2158 of 1993

New Delhi, dated this the 16th July, 1999

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

1. Shri Kirori Mal, Auditor
 2. Shri P.B. Misra, Prog. Asst.
 3. Shri B.S. Bist, Asst. Supdt.
 4. Shri D.P.Sharma, Asst. Supdt.
 5. Shri K.K. Sharma, Auditor
 6. Smt. Meena Mitta, Auditor
 7. Shri Inder Singh, K.P.O.
 8. Smt. Sudha Singh, K.P.O.
 9. Shri D.K. Gupta, K.P.O.
- (All are working in the Border Security Force as Civilian and Non-combatent staff)

.... Applicants

(By Advocate: Shri Deepak Verma)

Versus

1. Union of India through
the Secretary,
Ministry of Home Affairs,
New Delhi.
2. Director General,
Border Security Force,
C.G.O. Complex, Lodhi Road,
New Delhi-110003.
3. Dy. Director (Pers),
Headquarters, B.S.F.,
C.G.O. Complex, Lodhi Road,
New Delhi-110003.

... Respondents

(By Advocate: Shri V.S.R. Krishna)

O R D E R

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

Applicants seek a direction to respondents to implement the scheme of rationalisation of pay scales and redesignation of Electronics Data Processing Posts of Border Security Force as sanctioned by the Finance Ministry's O.M. dated 11.9.89 (Ann. A-3) and pay them salary and allowances in the rationalised and revised pay scales in respect of posts held by them after

fixing their pay in these scales w.e.f. 11.9.89 along with arrears together with interest @ 18% p.a.

(14)

2. Applicants who are nine in number hold the posts of Programme Assistant (1); Asst. Supdt. (2) Auditor (3); and Key Punch Operator (3) and are Civilian employees in EDP Centre of BSF Headquarters. By respondents' letter dated 19.9.89 (Ann. II to respondents' reply) a decision was taken to combatise ministerial and other civilian posts in Directorate General, BSF Headquarters. Admittedly applicants were asked whether they would opt for combatisation. None of the applicants before us opted for combatisation. Meanwhile respondents in Para 4.13 of the reply filed on 7.3.94 have admitted that the combatisation orders issued vide aforesaid letter dated 19.9.89 have not been implemented till that date and even during the hearing of this O.A. on 9.7.99 we were informed by respondents' counsel that the decision had not been implemented.

3. In the absence of any implementation of the decision contained in respondents' letter dated 19.9.89 in spite of the passage of nearly one decade, respondents cannot legally take the plea, as they have tried to in their reply, that because of the combatisation of posts in BSF in corresponding ranks and scales of pay, the revised designation/scales of pay in Finance Ministry's

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O.M. dated 11.9.89 are not applicable to civilian employees in BSF such as applicants, who in any case have not opted for combatisation.

4. This O.A. accordingly succeeds and is allowed to this extent that respondents are directed to review the designations, pay scales and recruitment qualifications of posts held by applicants in EDP Centre of BSF Headquarters in the background of Finance Ministry's O.M. dated 11.8.89, and to take a decision in this regard in accordance with the contents of that O.M. as well as other rules and instructions on the subject as expeditiously as possible and preferably within four months from the date of receipt of a copy of this order. In case as a result of such review, any of the applicants become entitled to the revised scales contained in Finance Ministry's O.M. dated 11.8.89, the same shall be paid to them along with arrears with effect from that date, together with other consequential benefits but without any payment of interest. No costs.

Lakshmi Swaminathan

(Mrs. Lakshmi Swaminathan)
Member (J)

S.R. Adige

(S.R. Adige)
Vice Chairman (A)

/GK/