

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH**

No. OA 675 of 2015

**Present: Hon'ble Mr. A.Mukhopadhyaya, Administrative Member
Hon'ble Mr. Swarup Kumar Mishra, Judicial Member**

1. Sri Harish Chandra Masanta, aged about 56 years, son of Sri Chandaneswar Masanta, permanent resident of Vill. Bateswar, PO Motiganj, P.S./Dist. Balasore, presently working as Tech-B (Book Binder), Proof & Experimental Establishment, Chandipur, Balasore.

.....Applicants

VERSUS

1. Union of India represented through the Secretary to Government of India, Ministry of Defence, Sena Bhawan, New Delhi – 110011.
2. Department of Defence Research & Development (DRDO), Ministry of Defence, retd. Through the Secretary-Cum-Director General, DRDO & Scientific Advisor to Rakshya Mantri, DRDO Bhawan, Rajaji Marg, New Delhi – 110005.
3. Director, Directorate of Personnel, DRDO, DRDO Bhawan, Rajaji Marg, New Delhi – 110005.
4. Director, Proof & Experimental Establishment, Ministry of Defence, At/PO/P.S. Chandipur, Dist. Balasore – 756025.

.....Respondents.

For the applicant : Mr. S. K. Ojha, counsel For the respondents:

Ms. S. B. Das, counsel

Heard & reserved on : 12.04.2021 Date of order:02.07.2021

O R D E R

Per Mr.Swarup Kumar Mishra, J.M.

The applicant has filed the present OA under Section 19 of the Administrative Tribunals' Act, 1985 seeking the following reliefs :

- i) To admit the original application;
- ii) To quash the order dtd. 28.07.2015 (Annex. A/9) holding that the same is illegal, arbitrary and without jurisdiction;

- iii) To direct the Respondents to revise his pay extending pay scale of R. 950-1550 (4th CPC) from the date of his initial appointment and meant for the Book Binder and its corresponding scale/pay from time to time;
- iv) To direct the respondents to revise the pay in the promotional grade taking into account the revise pay in the initial grade of Book Binder;
- v) To direct the respondents to pay the consequential benefits and arrear due to revision of pay;
- vi) To direct the Respondent No. 1 to take appropriate action against the Respondent No. 4 for exceeding his jurisdiction and for disrespecting order dtd. 19.05.2015 of this Hon'ble Tribunal passed in OA No. 260/00264/2015;
- vii) To pass any other order/orders as deemed fit and proper in the circumstance of the case and for ends of justice;

2. The brief of the case as inter alia submitted by the applicant is that he was appointed as Tradesman E (Book Binder) vide office order dated 21.05.1991 (Annexure A/1) in pay scale of Rs. 800-1150/- . The applicant submitted that the 4th CPC had recommended placing the Book Binder in the scale of Rs. 950-1500/- which was accepted by the Govt of India in July, 1990 and though he was appointed on 24.07.1990 i.e. after recommendation of 4th CPC had taken effect, his pay was not revised. The applicant submitted that he had received two promotions in the meantime but however the illegality committed by the authorities without revising his pay during 4th CPC and 5th CPC has forced him to receive the intial pay even after his promotion to the post of Tech B (high skilled grade). The applicant had submitted representation dated 30.05.2014, 16.07.2014, 19.11.2014 & 16.01.2015 annexing the decision taken by CAT, Calcutta Bench in OA No. 1359/1995 (Annexure A/7) but the respondents did not considered his representation. The applicant had filed OA 264/2015 which was disposed of vide order dated 19.05.2015 (Annexure A/8) directing Respondent No. 3 to consider the grievance of the applicant and if at all his pay needs to be

revised, the consequential benefit shall be paid within a period of 60 days from the date of receipt of the order. The applicant submitted that even through the order dated 19.09.2015 had directed Respondent No. 3 as the appropriate authority to take decision, Respondent No. 4 vide order dated 28.07.2015 rejected the claim of the applicant which is violation of general rules and clear departure from the instruction issued by this Tribunal. Hence this OA.

3. The respondents in their counter inter alia averred that as per judgment in OA No. 111 of 1993, it was decided to order one time up gradation of all Tradesman E who were in position as on 15.10.1984 and accordingly all Tradesman E as exist in DRDO, Ministry of Defence on 15.10.1984 were given one time up-gradation to Tradesman C vide order dated 17th November 1993 (Annexure R/1). The respondents further submitted that the applicant had challenged the order dated 17.11.1993 in OA No. 94/1995 & OA No. 452/2007 which were dismissed by this Tribunal vide order dated 26.07.2000 and 19.05.2010 since the applicant had joined in DRDO much after 15.10.1984. The respondent submitted that the order enclosed by the applicant at Annexure A/7 is for the mender and binder in the National Library Calcutta. The Director National Library had set up committee which recommende that Mender and Binder should be treated as highly skilled workmen and on the basis of recommendation they were granted the pay of Rs. 950-1500/-. The respondents submitted that DRDO is coming under Ministry of Defence whereas National Library is coming under Ministry of Information and Broadcasting and that Mender & Binder of National Library Calcutta were declared by their Director as "highly

skilled workmen" and on that basis only their pay scale was revised but on the other hand book binder joined in DRDO are treated as semi skilled and accordingly fitment scale was given. Linking Binder (highly skilled) of National Library, Calcutta and Binder (semi skilled) of PXE, DRDO at par is purely irrational and mismatching the matrix of pay scales as per the norms of Government Guidelines. The respondent further submitted that Respondent No. 4 had issued the speaking and reasoned order dated 19.05.2015 is not a suo motto order but in consultation with the competent authority and authorized by the other respondents to issue the speaking order.

4. The applicant in rejoinder inter alia averred that the applicant is not seeking upgradation of post nor asking any pay and allowances to the upgraded post but seeking pay and allowances granted to the similarly situated persons only.

5. Learned counsel for the applicant had relied on few decision including the following:

- i. Hon'ble Apex Court in the case of Union of India vrs Atul Shukla & ors (2015) 1 SCC (L&S) 81
- ii. Hon'ble Apex Court in Roshan Lal vrs Union of India (AIR 1967 SC 1889)
- iii. Hon'ble CAT, Calcutta Bench in OA No. 1359/1995

6. We have heard learned counsel for both the sides and have carefully gone through their pleadings and materials on record.

7. No document has been submitted on behalf of the applicant that the Pay Commission has revised the pay scale of Book Binders to Rs. 950-1550/- . The 4th Pay Commission in its report at Para 11.63 made for library staff recommended that pending a review by the Committee, the Librarian and Library Staff may be given the revised scale of pay proposed in chapter 8 i.e. the general replacement scales. The Director, National Library, Calcutta had set up a committee on its own and this committee recommended that Menders and Binders should be treated as highly skilled workers and on the basis of this recommendation they were granted the pay scale of Rs. 950-1500/- . The recommendation of the committee is only for the Menders and Binders of the National Library. Since the applicant is working in a different department under a different Ministry, the recommendation of the Committee is not applicable for him.

8. The applicant has not been able to show that any other similarly situated person in his department has got the higher pay scale and he has been prejudiced. It is also seen that the Respondent No. 4 has been authorized by other Respondents to issue speaking order as all the factual records are readily available with him.

8. The OA is accordingly dismissed being devoid of merit. There will be no order as to costs.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(A. MUKHOPADHAYA)
MEMBER (A)