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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No.218 of 1990

Date of Decision: 27-8-93

A.K.Sengupta

Applicant(s)

VERSUS

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? No.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ? No.


MEMBER (ADMINISTRATIVE)

27 Aug 93

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Respondents

For the applicant

Mr.C.A.Rao
Advocate

For the respondents

Mr.Ashok Mishra
Sr.Standing Counsel
(Central Government)

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C O R A M:

THE HONOURABLE MR.H.RAJENDRA PRASAD, MEMBER (ADMN)

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JUDGMENT

MR. H. RAJENDRA PRASAD, MEMBER (ADMN) In this application Shri A.K. Sengupta, formerly Sr. Accountant in Dandakaranya Project, has prayed that the respondents be directed to fix his pay in the Sr. Grade scale of Rs. 650/- - 900/- with effect from 20.6.1983 and also to fix the revised scale of Rs. 2000/- - 3100/- with effect from 1.1.1986.

2. The petitioner was posted to the Office of the Chief Administrator, Dandakaranya Development Authority, Koraput, on 9.12.1958, on transfer from Hirakud Dam Project. He was promoted as U.D.C. on 21.3.1959, and subsequently qualified in the departmental test for Sr. Accountant. He was promoted with effect from 23.9.1963 as Sr. Accountant in the pay-scale of Rs. 210/- - 380/- (The scale was later revised to Rs. 425/- - 640/- from 1.1.1973). On 20.6.1983, he was allowed the Selection Grade of Rs. 455/- - 700/-.

3. In O.A.No.182 of 1986, filed by one Shri S.K. Dani, this Tribunal directed the grant of higher scale of Rs. 550 - 900/- for all Sr. Accountants in the organisation on par with the officials of the same cadre in some other departments. In implementing the order, the respondents allowed the scale of Rs. 550/- - 900/- from 1.1.1973, and subsequently, of Rs. 1640 - 2900/- with effect from 1.1.1986, but confined the actual benefit from 5.5.1988, i.e. the date of pronouncement of the C.A.T. order. Based on this, the petitioner's pay was fixed at Rs. 520/- with effect from 1.1.1973.

4. The petitioner claims that he is entitled to the scale of Rs. 650 - 960/- (prevised) scale from 20.6.1983 and to Rs. 2000 - 3200/- (revised) scale with effect from 1.1.1986 on

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the ground that he was a Selection Grade Sr.Accountant since 20.6.1983, having been duly cleared by the D.P.C. He contends that the action of the respondents in equating Selection Grade scale and general category scale was incorrect and illegal.

5. The respondents, while admitting all the basic facts maintain that the pay scale of Selection Grade (Rs.455/- -700/-) having been granted to the petitioner on 20.6.1983, there was little justification to continue the Grade in favour of the petitioner after this Tribunal's decision (dated 5.5.1988 in O.A.No.182/86) to give higher pay of Rs.550 - 900/- to Sr.Accountants. They further maintain that the Third Pay/Commission considered higher pay-scales with a view to granting monetary benefits to eligible personnel with ^a lesser scale of pay and revised the scale itself from Rs.500/- - 900/-. According to the respondents, once an improved pay-scale was introduced as a result of the recommendations of the Third Pay Commission, it was rightly decided to dispense with the earlier Selection Grade altogether on the basis of this logic.

6. The arguments of respondents may be summed up as under:

- i) when the pay scales of Sr.Accountant stand revised from Rs.500/- - 900/-, and subsequently to Rs.550/- - 900/- there was no justification for the continuance of Selection Grade Post in the revised scale.
- ii) The Third Pay Commission recommended the Selection Grade of Rs.455/- - 900/- only in respect of those officials who were in receipt of pay of Rs.425 - 640/-, i.e. those who were in/r eceipt of lesser levels of pay.

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iii) The Fourth Pay Commission recommended the abolition of Selection Grades in Group C and D.

iv) Moreover, while fixing the petitioner's pay in the revised scale, due care was taken to ensure that his pay in the revised scale was fixed suitably and that there was no loss to the petitioner due to the abolition of Selection Grade.

v) The Fourth Pay Commission, after considering every aspect of the matter, did not consciously provide for Selection Grades. And if the petitioner's prayer were allowed, it would result in an artificially steep increase in pay scales and would have far reaching financial implications ~~for application~~ to a large number of non-gazetted officers.

7. I have given a close consideration to the arguments advanced by both the parties. There is considerable force in the argument of the respondents that when the pay scales of a particular cadre are substantially improved as a whole, the Selection Grades are rendered redundant automatically, unless a new justification arises to create a fresh intermediary or exclusive scale.

8. I am of the view that Selection Grade, like stagnation-increment, is only mitigatory in nature and cannot assume to form of a permanent or separate pay-scales for a whole class of officials. These are more in the nature of incentives in order to provide a limited relief to eligible officials in deserving cases. The *raison de etre* of separate Selection Grades ceases once the pay scale itself is improved considerably or substantially. I have taken note of the statement of the respondents that the Third Pay Commission did not advisedly recommend any separate Selection Grade to the Sr. Accountants in the pay scale of Rs.500 - 900/- which was subsequently raised to

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Rs.550/- to 900/-. Additionally, the Fourth Pay Commission, obviously after a close scrutiny of the pay-structures, did not consciously recommend any Selection Grade in Groups C & D. The obvious implication or underlying logic is that, since the pay prospect of entire cadres of officials were being considerably improved, there was no need for maintaining separate or exclusive palliative measures in the form of Selection Grades.

9. I am also in agreement with the respondents that the petitioner was not put to any monetary loss at the time of ~~introduction~~ⁱⁿ of revised scales, since pay drawn by him/the Selection Grade at that point of time was duly taken note of and his revised pay fixed accordingly.

10. I do not thus find any merit in the prayer of the petitioner and, therefore, the application is disallowed.
No costs.

VICE-CHIEF

MEMBER (ADMINISTRATIVE)

27 Aug 93

Central Administrative Tribunal
Cuttack Bench Cuttack
dated the 27-8.1993/B.K.Sahoo