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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 345 of 1991

Date of Decision: 30.7.1993

P.K.Bisoi

Applicant(s)

VERSUS

Union of India & Others Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? N.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ? N.

legally
30-7-93.
VICE-CHAIRMAN

D. J. S. J.
MEMBER (ADMINISTRATIVE)
30 JUL 93.



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For the applicant

M/s.Dr.S.C.Dash
B.K.Patnaik
R.C.Mohanty
N.N.Mohapatra

For the respondents

Mr.U.B.Mohapatra
Standing Counsel
(Central Government)

...

C O R A M:

THE HONOURABLE MR.K.P.ACHARYA, VICE-CHAIRMAN

AND

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

...



JUDGMENT

MR. H. RAJENDRA PRASAD, MEMBER (ADMN) In this case, the petitioner, who is working as Assistant News Editor, All India Radio, Cuttack, has ^{the} prayed that pay scale as recommended by the 3rd Pay Commission appointed by the Government of India, in so far as they relate to Field Publicity Officers in the Ministry of Information & Broadcasting, be ordered to be made applicable and implemented accordingly in his case from the date on which it became due, viz. 1st January, 1973.

2. Briefly stated, the facts of the case are that, prior to the recommendations of the 3rd Pay Commission, there existed two grades of Field Publicity Officers, Grade-III (Class-II) Gazetted, and Grade-IV (Class-II) Non-Gazetted, carrying pay scales of Rs.350-25-500-30-590-EB-30-800 and Rs.270-10-290-15-415-EB-15-485, respectively.

On a comprehensive examination of the pay-structures of various cadres in the Ministry, the Commission recommended as follows :

"Having regard to their duties and responsibilities, we consider that the posts of Field Publicity Officer should be given a higher pay scale compared to other Group-IV posts in the C.I.S. and recommend that this should be placed in Group-III of the service".

3. This, alongwith certain other recommendations of the Commission, was duly accepted by the I & B Ministry. In implementing the recommendation, the Department, however, decided to categorise officers into those working in border-areas and those working elsewhere, and duly authorised the revised pay scales to the former from 1.1.1973, and to latter from 1.10.1975. This action was challenged in the Hon'ble Supreme Court, and



the Apex Court held that the impugned categorisation smacked of discrimination, and therefore directed that the revised grade and scales be given effect to from 1.1.1973 in respect of all the petitioners in that case. In an almost identical case, this Tribunal by its judgment dated 2.4.1990 directed that the revised pay scales should be granted to some other applicants as well from the same date as specified by Hon'ble Supreme Court's order referred to earlier.

4. The petitioner prays in the present application for a similar order in his favour as he has so far been denied the benefit of revised pay scale from 1.1.1973.

5. We have heard the learned counsel for the petitioner as well as of the respondents.

5. The facts of the case are fairly plain and straightforward. The petitioner was appointed as Field Publicity Officer, Jagdalpur, in June, 1972 and was transferred to Sambalpur, and thereafter to the Pres. Information Bureau in 1976. He joined as Assistant News Editor, All India Radio, Delhi, in February, 1977, and was transferred as Assistant News Editor, A.I.R., Cuttack, from December, 1979. He continues to work in A.I.R., Cuttack, from that date. On 1.1.1973, when the revised pay scale came into effect consequent upon the Government's acceptance of the Commission's recommendations, the applicant was working as Field Publicity Officer, Jagdalpur. He is, therefore, entitled to the revised pay scales from 1.1.1973. Nothing has been stated on behalf of the respondents which would contradict or refute this claim.

6. The respondents have repeatedly stated that the petitioner ^{was} 'not senior enough' to be promoted to Grade-III.



Despite persistent probing this particular point could not be elaborated by the learned counsel for the opposite parties. Our simple understanding of the case is that the two different grades - Grade-III and Grade-IV - existing prior to the implementation of the Commission's recommendation stood merged on the abolition of the latter Grade. This being so, the question of 'selection' of officers or their seniority, mentioned more than once by the learned Standing Counsel, is not understood as it does not arise. As far as we could comprehend the decision, there was no selection or seniority involved at all in this, and all officers holding Grade-IV posts as Field Publicity Officers became automatically entitled to the revised scale of Grade-III on the abolition of Grade-IV. No question of selection or seniority was seen to have been involved.

7. We are thus unable to accept the contention of the respondents. The claim of the applicant is valid and entirely acceptable. It is, therefore, directed that Shri P.K.Bisoi be given the revised pay scale of Field Publicity Officer Grade-III, as recommended by the 3rd Pay Commission, and accepted by the concerned Ministry in the Government of India, with effect from 1.1.1973, as was done in the case of several others in ^{the} normal course or in compliance with the order of the Hon'ble Supreme Court and this Tribunal in similar cases. Thus the petition stands allowed. No costs.

8. Arrears of pay as per petitioner's entitlement may be calculated and disbursed to the petitioner within 120 days of the receipt of this orders.

VICE-CHAIRMAN

Request for
30.7.93

MEMBER (ADMINISTRATIVE)

Central Administrative Tribunal
Cuttack Bench, Cuttack
dated the 30.7.1993/B.K. Sahoo

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