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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 570 OF 1993
Cuttack, this the 26th day of April, 1999

Subhasis Sen and another Applicants

Vrs.

Union of India and others Respondents

FOR INSTRUCTIONS

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

(G. NARASIMHAM)
MEMBER (JUDICIAL)

(SOMNATH SOM)
VICE-CHAIRMAN
26.4.99

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CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 570 OF 1993

Cuttack, this the 26th day of April 1999

CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

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1. Subhasis Sen, son of Pankaj Kumar Sen, At-Kazibazar, PO-Buxi Bazar, District-Cuttack.
2. Parikshita Behera, son of Gandharba Behera, At-Keshapur, PO-Kandapur, Dist.Cuttack,
Applicants are now working as Senior Supervisor in the office of the Director of Census Operations, Ministry of Home Affairs, Orissa, Bhubaneswar Applicants

Advocate for applicants - Mr.B.R.Sarangi

Vrs.

1. Union of India through Secretary, Ministry of Home Affairs, New Delhi, Census Department.
2. Secretary, Ministry of Finance, Department of Expenditure, Government of India, New Delhi.
3. Registrar General of India, Office of the Registrar General of India, Ministry of Home Affairs, 2-A Mansingh Road, New Delhi.
4. Director of Census Operations, Ministry of Home Affairs, Orissa, Bhubaneswar Respondents

Advocate for respondents - Mr.U.B.Mohapatra,
A.S.C.

O R D E R

SOMNATH SOM, VICE-CHAIRMAN

S.Som.
In this application under Section 19 of Administrative Tribunals Act, 1985, the petitioners have

prayed for a direction to the respondents to redesignate their posts as Data Entry Operators Grade-E and to allow them to draw the scale of pay of Rs.2000-3500/- with effect from the commencement of the Fourth Pay Commission pay scale, i.e., from 1.1.1986 as per the recommendation of Dr.Seshagiri Committee, or the scale of Rs.2000-3200/- at par with other similarly situated employees in other Departments of Government of India. The second prayer is for a direction to the respondents to take a final decision in pursuance of the minutes of the meeting held on 6.7.1990. The third prayer is for quashing the office memorandum dated 10.11.1995 at Annexure-11 issued by Registrar General of India.

2. The facts of this case, according to the applicants, are that they were appointed as Operators in the office of Director of Census Operations, Bhubaneswar, between the year 1982 and 1984 in the scale of pay of Rs.330-560/-. They were later on promoted to the post of Junior Supervisor in the pay scale of Rs.425-700/- and thereafter to the post of Senior Supervisor in the scale of Rs.550-900/-. After the Fourth Pay Commission's recommendations were accepted by the Central Government and the Central Government brought into force Central Civil Services (Revised Pay) Rules, 1986, for the scales of pay of Rs.330-560/-, Rs.425-700/- and Rs.550-900/- the Fourth Pay Commission's replacement scales were Rs.1200-2040/-, Rs.1400-2300/- and Rs.1640-2900/-. Accordingly, the applicants, who were discharging the duties of Junior Supervisor and subsequently Senior Supervisor, got the replacement scales of Rs.1400-2300/- and Rs.1640-2900/-. The applicants have further stated that as Operators they were first allowed the scale of Rs.1200-2040/- from 1.1.1986 though similarly situated employees in other Departments got the scale of Rs.1350-2200/-. For development of better structure of pay scale of Data Processing staff, on the

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recommendation of the Fourth Pay Commission, the Ministry of Finance asked the Department of Electronics to take further action in the matter. Department of Electronics set up a Committee under the chairmanship of Dr.N.Seshagiri, Director General of National Informatics Centre. According to the recommendations of the Committee, Ministry of Finance in their orders dated 11.9.1989 and 12.1.1990 revised the designation and pay scale of the post of Operator in the office of Registrar General with effect from 11.9.1989. Accordingly, the Operators were designated as Data Entry Operators Grade-B in the scale of Rs.1350-2200/-.As they were allowed this scale with effect from 11.9.1989 and similarly situated employees in other Departments were allowed the scale from 1.1.1986, the Operators approached the Tribunal in OANo.249/91 and the Tribunal allowed the prayer and the Operators got the scale of Rs.1350-2200/- with effect from 1.1.1986. The Seshagiri Committee had taken into consideration the nature of work performed by different grades of employees in the Data Processing system and categorised them as Data Entry Operators Grade-A to Grade-E and specified the nature of work performed by each of the categories. They have also allowed different scales to these categories. The applicants who have been promoted to the post of Senior Supervisor with the pre-revised scale of Rs.550-900/- and on revision have got the scale of Rs.1640-2900/-, have submitted that they have not yet been fixed up in any of the categories mentioned in the Seshagiri Committee's report. The applicants were earlier working as Junior Supervisors and they have stated that their job and responsibility as Junior Supervisor were akin to the Data Entry Operator Grade-D and their scale should have been fixed in the pay scale for Data Entry Operator Grade-D, i.e., Rs.1600-2660/-. It is further stated that on their promotion to Senior Supervisor, they should have been redesignated as Data Entry Operator Grade-E and should have been allowed

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the scale of Rs.2000-3500/- instead of Rs.1640-2900/- because the post carries higher responsibilities than Junior Supervisors. Their Association had taken up the matter with the authorities in their letter dated 31.1.1990. It is submitted that in the Ministry of Finance, Department of Statistics, Data Processing Division (NSSO) the designation of Data Processing Supervisor in the scale of Rs.1400-2600/- has been revised to Data Processing Assistant in the scale of Rs.1600-2600/-. In the same organisation, the present designation of Superintendent has been changed to Senior Data Processing Assistant and has been given the scale of Rs.2000-3200/-. The grievance of the Association was considered in a meeting between the staff and the authorities on 6.7.1990 and there both sides agreed that the job requirement and responsibility of Data Entry Supervisory staff and Data Processing/Programming staff would undergo major review in view of induction of new computer system and therefore, both sides agreed to defer the present review till the new computer system is installed. The minutes of this meeting are at Annexure-9. The applicants have stated that in the meantime a new system has been installed, but the decision taken in pursuance of the meeting held on 6.7.1990 has not been implemented and the redesignation and benefit of revised scale of pay have not been extended to them. It is also stated that in the Ministry of Defence, Data Entry Senior Supervisor whose scale of pay was Rs.1640-2900/- has been redesignated as Data Processing Assistant Grade-B with revised scale of Rs.2000-3200/-. The applicants who were working as Senior Supervisors in the scale of Rs.1640-2900/- have neither been redesignated as Data Entry Operator Grade-E nor have they been allowed to draw the scale of Rs.2000-3500/-. It is further submitted that they have also not been redesignated as Data Processing Assistant as has

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14

been done in other Departments of Government of India where the scale of Rs.2000-3200/- has been allowed. In the Original Application, which was subsequently amended, the applicants have further stated that during the pendency of the OA the Tribunal had passed orders on 1.11.1995 directing the respondents to consider the representation of the applicants and pass appropriate orders. Accordingly, in order dated 10.11.1995 (Annexure-11) the representation was disposed of and the Registrar General took a view that the existing pay scale and the designation of the posts of Junior Supervisor and Senior Supervisor in the office of Registrar General including posts under its Directorates, do not require any modification. The applicants have prayed for quashing this order. The applicants have further stated that the reason given by the Registrar General for the above decision is that Junior Supervisors and Senior Supervisors in the office of Registrar General do not perform Data Entry Operation work. The applicants have stated that as National Informatics Centre have standardised the data entry processing work and classified them in five categories, the denial of the benefits given by the Seshagiri Committee to the applicants is hit by Article 14. The applicants have further stated that the office of Director of Census Operations, Bhubaneswar (respondent no.4) in his order dated 24.5.1993 (Annexure-12) has directed Junior Supervisors to work in terminals and do data entry work in their respective shifts in addition to their supervision work. In view of this, it is stated that the Registrar General should not have taken the stand that the applicants do not perform data entry operation work. On the above grounds, the applicants have come up for the reliefs referred to earlier.

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3. The respondents in their counter have stated that Senior Supervisors were in the pre-Fourth Pay Commission pay scale of Rs.550-900/- which, after recommendation of the

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22

Fourth Pay Commission, was revised to Rs.1640-2900/-. The respondents have also mentioned about the order dated 11.9.1989 of the Ministry of Finance introducing a scheme of rationalisation of pay scales of Electronic Data Processing posts and according to this, the Operators were redesignated as Data Entry Operator Grade-B and given the pay scale of Rs.1350-2200/- instead of Rs.1200-2040/-. The respondents have stated that the next posts in the hierarchy are that of Junior Supervisor and Senior Supervisor in the Census Organisation. The respondents have moved a proposal to implement the scheme introduced by the Ministry of Finance in the order dated 11.9.1989. But the proposal was deferred till the proper Computer system was installed in the office. Subsequently, after introduction of proper computer system, a proposal was moved to redesignate them as Data Entry Operator Grade-E in the pay scale of Rs.2000-3500/- and Home (Finance)'s concurrence is awaited. Th Integrated Finance have taken up the matter with the expert committee and the matter is under examination. The respondents have mentioned about redesignation of Operators as Data Entry Operator Grade-B and giving them the pay scale of Rs.1350-2200/- instead of replacement scale of Rs.1200-2040/-. The respondents have further stated that the order of the Tribunal in OA No. 249/91 is not relevant in this case because in OA No.249/91 the matter under consideration was the revised scale of pay of Data Entry Operator Grade-B. In the context of the above, the respondents have opposed the prayers of the applicants.

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4. We have heard Shri B.R.Sarangi, the learned counsel for the petitioner and Shri U.B.Mohapatra, the learned Additional Standing Counsel appearing for the respondents, and have also perused the records.

5. The first prayer of the applicants is to allow them the pay scale of Rs.2000-3500/-as per the report of the Seshagiri Committee, or in the alternative to allow them the

16

28

pay scale of Rs.2000-3200/- like their counterparts in other Departments of Government of India from the date of implementation of the Fourth Pay Commission's report. The applicants were initially allowed the scale of Rs.1200-2040/- as Operators from 1.1.1986 which was later on changed to Rs.1350-2200/- initially from 11.9.1989 and later on in accordance with the order of the Tribunal from 1.1.1986. On their becoming Junior Supervisors in the pre-revised scale of Rs.425-700/- they got the replacement scale of Rs.1400-2300/-. In the present application the prayer is with regard to their pay as Senior Supervisor to which rank they were promoted from the post of Junior Supervisor. Senior Supervisor had the pre-Fourth Pay Commission pay scale of Rs.550-900/- for which the replacement scale was Rs.1640-2900/-. The applicants have stated that in accordance with the Seshagiri Committee's report, Ministry of Finance have have issued orders on 11.9.1989 categorising the Data Entry Operators in five different grades with different pay scales. It has also been indicated in this order which would be the entry grade and which would be the promotional grade. For Data Processing and Programming staff two grades have been fixed, Data Processing Assistant Grade-A and Data Processing Assistant Grade-B. Grade-A is the entry grade in the scale of Rs.1600-2660/- and Grade B carries the scale of Rs.2000-3200/-. The applicants have prayed that they should be redesignated as Data Entry Operator Grade-E. Registrar General in his order dated 10.11.1995 (Annexure-11) has not changed the designation and scale of pay of Senior Supervisors. It has been noted that in case of Senior Supervisor the pay scale of Rs.1640-2900/- is higher than the Data Entry Operator Grade-D which according to the hierarchy is the next higher grade than Data Entry Operator Grade-C. We have in an Order delivered today in OA No.569 of 1993 (Sarat

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Chandra Rout and others v. Union of India and others), held that Junior Supervisors have no claim for getting their post redesignated as Data Entry Operator Grade-D. In the order of the Ministry of Finance, Data Entry Operator Grade-E is a promotional grade from Data Entry Operator Grade-D. As such, Senior Supervisors, if they have to be fitted in as Data Entry Operator, would be fitted in only as Data Entry Operator Grade-D. But the existing scale of Senior Supervisor is higher than the Data Entry Operator Grade-D which has also been noted by the Registrar General in his order dated 10.11.1995. In this order, Senior Supervisors have been compared with both Data Entry Operator Grade-D and Data Entry Operator Grade-E, the latter carrying scale of Rs.2000-3500/-. It is this scale which the applicants have asked for. The Registrar General has mentioned in this order that Senior Supervisors in the office of Registrar General do not perform data entry operation work. The applicants have in Annexure-12 enclosed an order dated 24.5.1993 in which Director of Census Operations, Bhubaneswar, has instructed the Junior Supervisors to work in terminals and do data entry work. From this it does not appear that this is a permanent arrangement and the job requirement of Junior Supervisors has been changed to include data entry operation work. In any case, the Registrar General in his order dated 10.11.1995 two years later has noted that Junior Supervisors do not perform any data entry operation work. We have no reason to disbelieve the same. So far as the present applicants before us are concerned, they are Senior Supervisors and they have shown no document that they do data entry operation work. As they do not perform data entry operation work, they can have no claim to be designated as Data Entry Operator Grade-E. As we have already noted the scale of pay of Senior Supervisor is higher than the Data Entry Operator Grade-D. It is also to be noted

that the classification of Data Entry Operators in different grades from Grade-A to Grade-E is not to be mechanically followed in each Department and depending upon requirement and situation in the Department, the existing Electronic Data Processing staff have to be redesignated and given corresponding pay scales. Registrar General in his order dated 10.11.1995 has examined the matter and taken the view that designation and pay scale of Senior Supervisors do not require any change. There is no material before us to hold that the decision of the Registrar General is incorrect or is based on considerations which are not relevant. In paragraph 5 of this order the Registrar General has mentioned that Senior Supervisors do not perform data entry operation work. The letter dated 24.5.1993 enclosed by the applicant also does not relate to Senior Supervisors. Even for Junior Supervisors it is not clear that this order asking them to work in terminals and to do data entry work is a permanent arrangement and accordingly their job requirement or duty charts have been changed. In view of this, we hold that the applicants have not been able to make out a case to get the scale of Rs.2000-3500/- as Data Entry Operator Grade-E according to the recommendations of the Seshagiri Committee and in accordance with the Finance Ministry's O.M. dated 11.9.1989.

5. The second limb of arguments of the applicants is that in NSSO and in Defence Ministry similarly situated staff have been allowed the pay scale of Rs.2000-3200/-. It has been mentioned by the applicants that in the Data Processing Division of NSSO, Superintendent has been designated as Senior Data Processing Assistant and has been given the scale of Rs.2000-3200/-. There is no material before us to show what are the job responsibilities of the Superintendent in the Data Processing Division of NSSO and

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whether they are similar to the works of Senior Supervisors in the Directorate of Census Operations. The same considerations apply to the order at Annexure-10 issued by the Defence Ministry in which Direct Data Entry Senior Supervisors have been redesignated as Data Processing Assistants Grade-B and given the scale of pay of Rs.2000-3200/-. In OA No. 569/93 which has been disposed of by us in an Order delivered today, the applicants have enclosed an order dated 6.1.1998 from which it is seen that in the Registrar General's office there are Data Processing Assistant Grade-A with the Fourth Pay Commission pay scale of Rs.1600-2660/-which has been notionally revised to Rs.1640-2900/- with effect from 1.1.1996 in this order. From this it is clear that Data Processing Assistants belong to a different cadre in Registrar General's organisation who are different from Senior Supervisors. As such the applicants cannot claim parity with Data Processing Assistants in other organisations on the principle of equal pay for equal work. We have in our order delivered today in OA No. 569/93 dealt with the law as has been laid down by different decisions of the Hon'ble Supreme Court with regard to the doctrine of equal pay for equal work and have held that it is primarily for the executive Government and the expert bodies like Pay Commission to take up job evaluation. Accordingly, the Seshagiri Committee has taken up the job evaluation and depending upon the requirement of the Department, the Registrar General has issued the order dated 10.11.1995. For not changing the designation and the pay scale of Senior Supervisors, the Registrar General has indicated the reasons in the order itself and we find no reason nor have we the requisite materials before us to differ from him. The last

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prayer of the applicants to quash the order dated 10.11.1995 is, therefore, held to be without any merit and is rejected.

6. In the result, therefore, the Original Application is dismissed but without any order as to costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

(SOMNATH SOM)
VICE-CHAIRMAN
26.1.99