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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH; CUTTACK.

ORIGINAL APPLICATION NO. 338 OF 1995

Cuttack this the 28th day of August, 1996

GHANASHYAM NAIK & OTHERS.

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APPLICANTS

-Versus-


UNION OF INDIA & OTHERS.

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RESPONDENTS

(FOR INSTRUCTIONS)

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


(N. SAHU)
MEMBER (ADMINISTRATIVE)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH;CUTTACK.

ORIGINAL APPLICATION NO. 338 OF 1995

Cuttack this the 28th day of August ,1996.

C O R A M:-

THE HONOURABLE MR. N. SAHU, MEMBER (ADMINISTRATIVE).

IN THE MATTER OF:

1. Ghanashyam Naik,
S/o. Rahaso Naik.
2. Budhia Naik,
S/o. Haguru Naik.
3. Duari Naik,
S/o. Balka Naik.
4. Aparti Naik,
S/o. Sananda Naik.
5. Halia Naik,
S/o. Goniã Naik.
6. Gandharb Naik,
S/o. Sashari Naik.
7. Raju Naik,
S/o. Gouranga Naik.
8. Ratna Naik,
S/o. Kathia Naik.
9. Balabhadra Naik,
S/o. Pitabas Naik.
10. Maharaga Naik,
S/o. Kulamani Naik.
11. Narahari Naik,
S/o. Bira Naik.
12. Bisunu Naik,
S/o. Bhikari Naik.
13. Nityananda Naik,
S/o. Soba Naik.
14. Prafulla Naik,
S/o. Bimbadhar Naik.

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15. Alekha Naik, S/o. Athani Naik.
16. Sadananda Naik, S/o. Khogo Naik.
17. Purna Naik, S/o. Mahee Naik.
18. D. Laxmi, D/o. Ranga Swami.
19. Guna Naik, S/o. Doma Naik.
20. Purna Chandra Naik, S/o. Budia Naik.
21. Meghanad Naik, S/o. Jagata Naik.
22. Kishore Naik, S/o. Balaka Naik.
23. Nanda Naik, S/o. Budhia Naik.
24. Druba Naik, S/o. Hari Naik.
25. Bhaiga Naik, S/o. Sananda Naik.
26. Hari Naik, S/o. Kalia Naik.
27. Gobinda Naik, S/o. Baso Naik.
28. Johar Naik, S/o. Molkha Naik.
29. Rabinarayan Naik, S/o. Bonu Naik.
30. Narasingha Naik, S/o. Hari Naik.
31. Chakradhar Naik (A), S/o. Bhikari Naik.
32. Kailash Naik, S/o. Dinabandhu Naik.
33. Basanta Naik, S/o. Punia Naik.

(All are working as Safaiwala at Aviation Research Centre,
Charbatia, District- Cuttack (Orissa).

..... APPLICANTS.

- VERSUS -

- (1) Union of India represented through its
Secretary Department of Cabinet Affaris,
Cabinet Secretariat, New Delhi.
- (2) Director, Aviation Research Centre,
East Block-V, R.K. Puram, New Delhi.

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- (3) Deputy Director, Aviation Research Centre,
Charibatia, District- Cuttack-754 028.

..... RESPONDENTS.

BY THE APPLICANTS : M/s. C.A.Rao, S.K. Behera, Advocates.

BY THE RESPONDENTS : Mr. Uma Ballav Mohapatra, Additional Standing
Counsel, (Central).

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O R D E R

MR. N. SAHU, MEMBER (ADMINISTRATIVE) :

The following are the reliefs claimed:

- i) The Respondents be directed to treat the applicants equally with those of Mali while fixing the higher scale of pay on promotion in SITU vide Annexure-1 and further their revised pay scale at Rs. 950-1400/- as was given to the Safaiwals of other Central Government Departments;
- ii) The Respondents be directed to fix the higher scale of pay of the applicants on promotion in SITU at the rate fixed in Annexure-2 at Rs. 800-1500/- as was fixed for the Mali of ARC, Charibatia;
- iii) The order vide Annexures-3 and 4 be quashed with a direction to the Respondents to modify the higher scale of pay of the applicants on their promotion in SITU at par with Annexure-2.
- iv) The Respondents be directed to implement the order vide Annexure-5 and to allow the Washing Allowance in the enhanced rate, in favour of the applicants.

2. With regard to the claim of equivalence with Chowkidars and Safaiwalas of Railway Department who allegedly enjoy a pay scale of Rs. 950-1200/-, the Department has already informed the applicants that no such revised pay scale of Rs. 950-1200/- had been sanctioned and in this regard Annexure- R/2 states the non-existence of any such scale of pay in the Railways. The Malis and the applicants are permitted to perform dissimilar functions. This claim of the applicants is rejected.

3. There was a proposal for enhancing the pay scale of all Gr. 'D' staff from Rs. 750-940/- to Rs. 800-1150/-. The Government had sanctioned to the Gr. 'D' staff the extended pay scale of Rs. 775-1150/-. Since most of the applicants have put in long years of service and nearing the end scale which is common for all Gr. 'D' Staff, there is no further relevance in claiming a scale of Rs. 800-1150/-. In effect, the Respondents have conceded the request and they can now go upto Rs. 1150/- and there is no discrimination in this regard.

4. It is submitted that Safaiwalas can be promoted to the rank of Jamadar Safaiwala and Malis can be promoted to the post of Head-Mali. It is not correct to say that there is no promotional grades for Safaiwala and Mali. Thus, the present

scale of the applicants is not Rs. 775-1025/- but it is Rs. 775-1150/-. The Respondents contend that there is no discrimination. The pay scale of Head Mali is Rs. 800-1150/-. While giving the SITU promotion to Malis they are automatically placed in the pay scale of Rs. 800-1150/-. Since the applicants are not in any way affected by the non-congruence of the scale at the initial stage, the contention of the Respondents is that the applicants do not in any way financially suffer because the end scale is same. This claim of the applicants is virtually accepted and allowed.

5. With regard to Washing Allowance, it is submitted by the Respondents that Washing Allowance has been raised to Rs. 30/- per month only in respect of fire service personnel. The Respondents challenged Annexure-5 to the application as not genuine. As against Annexure-5, the Learned Additional Standing Counsel for the Respondents, Mr. Uma Ballav Mohapatra had filed the following order dated 09-07-1993. The same is extracted hereunder:

*Reference ARC'S UO No. ARC/AW.492/90 dated 17th May, 1993.

In partial modification of this Secretariat order of even number dated 15.12.1989 sanction of the President is accorded to the enhancement of rate of Washing Allowance from Rs.15/- (Rupees Fifteen only) per month to Rs.30/- (Rupees Thirty only) per month in respect of Fire Service Personnel of ARC w.e.f. 1.7.1993. (emphasis supplied)

This issues with the concurrence of the Ministry of Fin. Vide their Dy. DO 1147 dated 21.6.1993*.

6. In view of the above order which I take as authentic, there is no justification for enhancing the claim of the applicants.
7. The application is disposed of as above. Parties will bear their own costs.


(N. SAHU)
MEMBER (ADMINISTRATIVE)

KN Mohanty.