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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 474 OF 1995
Cuttack this the 28th day of March, 2000

Chitaranjan Panda

Applicant(s)

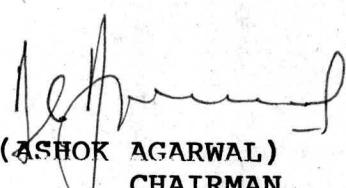
-Versus-

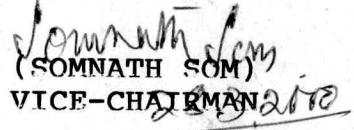
Union of India & Others

Respondent(s)

FOR INSTRUCTIONS

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


(ASHOK AGARWAL)
CHAIRMAN


(SOMNATH SOM)
VICE-CHAIRMAN

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CORAM:

THE HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN
AND
THE HON'BLE MR. SOMNATH SOM, VICE-CHAIRMAN

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Chitaranjan Panda
aged 26 years,
S/o. Gouranga Panda
Bidyadharpur, PO: Nayabazar,
Cuttack, now working as Computer,
Regional Leprosy Training Research Institute,
Aska(Babanpur)
Dist: Ganjam(Orissa) - 761110

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Applicant

By the Advocates : Mr. B. R. Sarangi

-Versus-

1. Union of India represented through the Secretary, Ministry of Health & Family Welfare,
Department of Health, Nirman Bhawan
New Delhi-110011
2. Director General of Health Services (Leprosy Division), Nirman Bhawan,
New Delhi - 110011
3. Director, Regional Leprosy Training & Research Institute, Aska (Babanpur)
Dist: Ganjam-761110
4. Secretary, Ministry of Finance,
(Department of Expenditure),
Government of India,
New Delhi

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Respondents

By the Advocates : Mr.U.B.Mohapatra
Addl. Standing Counsel
(Central)

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ORDER
ORAL

MR. SOMNATH SOM, VICE-CHAIRMAN: In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for direction to the respondents to rationalise and revise his scale of pay in pursuance of the recommendation made by the Seshagri Committee and Finance Department resolution dated 1.7.1995. He has also prayed parity with similarly situated employees of Central Leprosy Training & Research Institute, Changalpettu, Tamil Nadu with effect from 11.7.1989.

2. The facts of the case, according to applicant are that on being sponsored by the Staff Selection Commission he was appointed as Computer in the scale of pay Rs.950-1500/- in the Regional Trainign & Research Institute, Aska, under the Respondents 1 to 3. After having completed the probation period to the satisfaction of the higher authorities he was confirmed in the said post in order dated 17.2.1994 with effect from 6.6.1992 (Annexure-4). The applicant has stated that after his appointment as Computer he was discharging the duties and responsibilities of Data Entry Operator, a post which has been redesignated by the 17th Pay Commission in pursuance of the recommendation of the Seshagri Committee, constituted for that purpose. As a result of this rationalisation, it has been submitted by the applicant that he is entitled to scale of pay Rs.1150-1500/- and his post should be redesignated as Data Entry Operator, Gr.A. The applicant has further stated that in accordance with the Office Memorandum dated 11.9.1989 (Annexure-5) issued by the Ministry of Finance, Deptt. of Expenditure, the post of Data Entry Operator Gr. A carries the scale of

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pay Rs.1150-1500/- . The applicant represented to the for departmental authority/getting the above scale and also for redesignation. But in order dated 10.7.1995 vide Annexure-11 his representation for rationalisation and redesignation of the post was rejected. In the context of the above the applicant has approached this Tribunal with the prayers referred to earlier.

3. Respondents in their counter have stated that till March, 1994, the Regional Leprosy Training & Research Institute, Aska did not have any computer and the applicant, though appointed as Computer was entrusted the work of diaryand despatch and maintainence of related registers which are the works of a Lower Division Clerk. Respondents have further stated that the scale of pay Rs.950-1500/- in which the applicant was appointed was also the same scale of pay in respect of Lower Division Clerks. They have further stated that after the purchase of computer the applicant was asked to prepare the pay slip through the computer, but he failed to prepare the same for which the work had to be done by hiring services from the consultancy farm. It has been further submitted by the respondents that inspite of this his claim for getting higher pay, i.e., the pay of Data Entry Operator Gr.A was sent to the higher authority, but the same was rejected. In the context of the above the respondents have opposed the prayer of the applicant.

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

5. Learned counsel for the petitioner has filed an

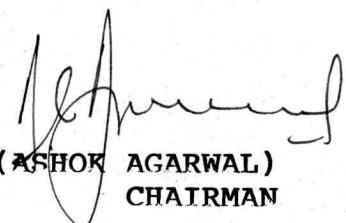
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affidavit along with Annexure after serving copy thereof on the learned Addl. Standing Counsel in which he has brought on record the position with regard to designation and scale of pay after acceptance of the recommendations of the Vth Pay Commission. As a result of this recommendation of the Vth Pay Commission the scale of pay of Data Entry Operator Gr.A has become Rs.4000-6000/-, the pre-revised scale of which was Rs.950-1500/-. It has been submitted by the learned counsel for the petitioner that as a Computer he is currently getting the scale of pay Rs.4000-6000/- which is equivalent to the scale of pay in respect of Data Entry Operator, Gr.A. Therefore, his prayer in the present application is only limited to pre-Vth Pay Commission period to the extent that he should be allowed parity in the scale of pay as also redesignation of the Post of Computer Gr.A in pursuance of the recommendation of the Seshagri Committee which has since been extended to the similarly situated staff in the Central Leprosy Training and Research Institute, Changalpettu. We find that the representation filed by the applicant earlier has been rejected in order dated 10.7.1995 at Annexure-11 through a non-speaking order and reasons as to why the post of Computer could not be redesignated and the scale of Data Entry Operator, Gr.A should not be allowed to the incumbent in the post of Computer have not been assigned, more so, when the same benefit has been extended to another Unit at Changalpettu. In view of this we have no hesitation to quash the order at Annexure-11 which is hereby quashed. Respondents 1 to 3 are directed to hear the applicant with regard to his representation and pass a speaking and

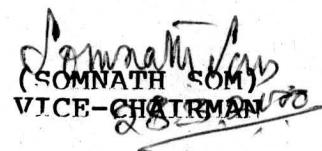
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rasoned order on his representation. The applicant is given liberty to approach the Tribunal if he is aggrieved by the final order to be passed by the respondents on his representation. This exercises shall be completed within a period of 120(One Hundred & Twenty) days from the date of receipt of this order.

With the above observation and direction the Original Application is disposed of, but no order as to costs.



(ASHOK AGARWAL)
CHAIRMAN



(SOMNATH SOM)
VICE-CHAIRMAN

B.K.SAHOO