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O.A. No.493/07

ORDER DATED 22nd JUNE, 2009

Coram:

Hon'ble Mr. Justice K. Thankappan, Member (J)
Hon'ble Mr. C.R. Mohapatra, Member (A)

It is the case of the applicant that as per the recommendation of the Staff Inspection Unit (SIU), Govt. of India, after having a detailed study for the review of norms for the non-statutory Departmental Canteens functioning in Central Govt. Offices as per the Office Memorandum No.13/10/2001-Dir(c) dt. 22.12.2004 (Annexure-A/4) interalia recommending upgradation of pay of certain posts in the Canteens, revised designation, staffing norms and other related matters and as a consequence, Manager Grade-III which is a designated post in the D Type Canteen was to be called as Manager-Cum-Accountant in the scale of Rs.5000-8000/- in the D Type Canteen. According to the applicant, although he is entitled to revised pay scale of Rs.5000-8000/- w.e.f. dt.22.12.2004 and the pay scale of Rs.5500-9000/- under ACP scheme w.e.f. dt.22.12.2004, the same has not been extended to him, but the persons who are similarly situated working in Prasar Bharati Broadcasting Corporation have been provided with the same. In this respect, the applicant's representations dated 03.08.07, 07.09.07 and 15.10.07 Annexures-A/7,A/8 & A/9 respectively made to the authorities having not yielded any

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fruitful result, this O.A has been filed with the prayers as under:-

“(a)...to direct the Respondents (1 & 2) to allow the Applicant the revised pay scale of Rs.5000-8000/- w.e.f. dt.22.12.2004 and the pay scale of Rs.5500-9000/- w.e.f. dt.22.12.2004 with arrears till actual payment is made and also interest thereon for delayed payment for the ends of justice
(b) To direct the Respondents No.1 & 2 to redesignate the post of the Applicant as Manager-cum-accountant.
(c)To pass any other order/orders, direction/directions and relief/relief(s) as the Hon’ble Tribunal deems fit and proper.”

2. To the above claim of the applicant, a counter has been filed for and on behalf of the Respondents in which it is specifically stated that the case of the applicant is being considered in the light of the orders passed by the Govt. of India. In Paragraph 06 of the counter, it is specifically mentioned as under:-

“The applicant should have waited for the consequences and its findings. Instead of that the applicant became impatient and moved before this Hon’ble Tribunal in the present Original Application. Hence the present O.A. is premature one.”

3. We have heard Mr. K.C. Kanungo, Ld. Counsel for the applicant and Mr. P.R.J. Dash, Ld. Counsel for the Respondents and perused the records. Having regard to the submissions made by the parties, we hold that the applicant is entitled to the upgraded pay scale as per recommendation made in Annexure-A/4 dated 22.12.2004 based on which Annexure-

A/5 dated 10.04.2006 has been issued. If so, the applicant is right in approaching this Tribunal. The stand taken in the counter is that the case of the applicant is being considered by the Department and the Department requires more time. But the fact remains that the applicant has already represented his grievance before the authorities particularly before Respondents No.2 & 3 way back in 2007 and though in the meantime period of two years is going to be over, this Tribunal is not apprised by the Respondent-Department of the fate of the applicant's representations.

4. If so, the applicant is not ⁱⁿ haste in approaching this Tribunal. Having considered the grounds urged, we direct the Respondents No.2 & 3 to take immediate steps to implement the recommendation of SIU in the light of the orders passed by the Govt. of India vide Annexures-A/4 and A/5 and dispose of the representation dt.03.08.07 addressed to the Deputy Director and Controlling Officer, Census Operations, Orissa, Bhubaneswar, in line with Annexures-A/4 and A/5 within a reasonable time, at any rate, within 60 days of the receipt of the copy of the order.

5. The O.A. is allowed to the extent indicated above. No order for costs.

Member (A)

Kappan
MEMBER (J)