

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00137/2014

Jodhpur, this the 5th May, 2015

CORAM

**Hon'ble Justice Mr K.C. Joshi, Judicial Member
Hon'ble Ms. Meenakshi Hooja, Administrative Member**

1. All India Central Ground Water Board Engineering Officers Association (Recognized by Government of India), through General Secretary G.L.Meena s/o Sh. U.R. Meena, age 52 years, resident of H.No. Type V/9, AFRI Residential Complex, Basni, Jodhpur presently he is working on the post of Executive Engineer and posted at Central Ground Water Board, Division-IX, Jodhpur
2. D.N.Arun s/o Sh. Ram Swarup Arun, Superintending Engineer, Central Ground Water Board, Bhujal Bhawan, NH-IV, Faridabad.
3. K.R.Biswas s/o Sh. B.N.Biswas Superintending Engineer, Central Ground Water Board, Bhujal Bhawan, NH-IV, Faridabad.
4. A.N.Gunjakar s/o Sh. Nagorao Gunjakar, Executive Engineer, Central Ground Water Board, Bhujal Bhawan, NH-IV, Faridabad.

.....Applicants

By Advocate: Mr. Vinay Jain and Mr. R.N.Chaudhary

Versus

1. The Union of India through the Secretary, Ministry of Water Resources, Shram Shakti Bhawan, Rafi Marg, New Delhi.
2. The Chairman, Central Ground Water Board, Bhujal Bhawan, NH-IV, Faridabad.
3. The Director (Administration), Ministry of Water Resources, Central Ground Water Board, Bhujal Bhawan, NG-IV, Faridabad.

.....Respondents

By Advocate : Ms. Kausar Parveen

ORDER (ORAL)

Per Justice K.C. Joshi

In this OA filed u/s 19 of the Administrative Tribunals Act, 1985, the applicants have prayed for the following reliefs:-

It is, therefore, prayed that by appropriate order or direction, respondent department be directed to revise the pay scale of Rs. 14300-18300 for the Superintending Engineers and pay scales Rs. 10000-15200 & 12000-16500 (non functional JAG) for Executive Engineers working in respondent department as per Part-B of the first schedule of Para VIII (Para 50.45) CCS (Revised Pay) Rules, 1997 with all consequential benefits and further accordingly pay scales of the Superintending Engineers and Executive Engineers be revised in 6th Pay Commission with all consequential benefits.

Any other appropriate direction or order which this Hon'ble Tribunal deems fit and proper in the facts and circumstances of the case may kindly be granted.

Cost of this application may kindly be awarded.

2. This OA has been filed jointly by three applicants as, according to the applicants, the cause of action and relief prayed are same.
3. Brief facts of the case, as stated by the applicants are that applicant No.1 is recognized Association and working for the welfare of engineers working in the Central Ground Water Board (CGWB) and after the resolution made, the General Secretary has been authorised to file this OA. Applicant No.2 is working on the post of Superintending Engineer and posted at CGWB, Faridabad and applicant No.3 is working as Superintending Engineer and applicant No.4 is working as Executive Engineer. It is stated by the applicants that due to non-implementation of recommendation of 5th Central Pay Commission (CPC), the pay scale of applicant No. 2,3 and 4 are not revised properly and due to this, all the applicants are having financial loss every month since 1.1.1996 i.e. the date from which the 5th CPC recommendations were implemented. The Central Government on the basis of recommendations made by 5th CPC has framed Central Civil Services

above Rules of 1997 further Part-B of the first schedule has been provided and in this Part-B in respect of the applicants, Para VIII says about Group-A Engineering Services. As per this para, Superintending Engineers pay running in pay scale of Rs. 3700-5000 is recommended to Rs. 14300-18300 and for Executive Engineers it has been stated that present pay scale running in Rs. 3000-4500 is revised to Rs. 10,000-15200 and 12,000-16500. The applicants averred that pay scale of Superintending Engineer working in the respondent Department were in the pay scale of Rs. 3700-5000 and on coming of Rules of 1997 their pay scale should have been revised as per Part-B of the first schedule to Rs. 14300-18300 but the respondent department has revised the pay scale to Rs. 12000-16500. Likewise, the Executive Engineers working in the pay scale of Rs. 3000-4500 were to be revised in the pay scale of Rs. 10000-15200 and Rs. 12000-16500 but the department has revised the pay scale to Rs. 10000-15200. Therefore, as per recommendation of the 5th CPC in all other Central Government Departments pay scale of Superintending Engineer and Executive Engineers were revised, but in the respondent Department pay scales of these categories have not been revised as per Para 50.45 of the 5th CPC as per CCS (Revised Pay) Rules, 1997. In this regard, the applicants have filed a number of representations to the respondent Department and the respondent Department has given assurance, but not redressed the grievance of the applicants. The applicants have further averred that as the Superintending Engineers and Executive Engineers were not getting the proper pay scales as per 5th CPC recommendations, therefore, they have further loss of pay revision of the 6th CPC recommendations. The applicant association submitted representation

(Ann.A/8), but the respondent department has not decided the said representations. Therefore, aggrieved of the action of the respondent Department, the applicants have filed this OA praying for the reliefs as mentioned in para-1 above.

4. By filing reply to the OA, the respondents have stated that the applicants are not entitled for the pay scale which they are demanding. Although number of representations were submitted by the Engineering Officer Association and the same were sent to the Ministry along with Board's comments for consideration, but finally Ministry had returned the proposal with remarks that the proposal was considered in consultation with the DOPT and they have stated that mere fact of particular post have all the attributes of the organized group does not make it organized Group-A Engineering Service. It is further stated that the demand raised by the Superintending Engineers and Executive Engineers working in respondent department is not justified because they have already submitted representation and the Ministry has duly replied stating that the recommendations which have been made by 5th CPC is applicable for organized Group-A engineering services only. Therefore, the applicants are not entitled to any relief.

5. Heard both the parties and perused the record. In this case the applicants claim that they have submitted several representations and the latest being representation dated 31.1.2014 (Ann.A/9), but the respondent department has neither decided the representations nor the pay scale of Superintending Engineers and Executive Engineers were revised as per

6. On the contrary, the stand of the respondent is that the representations submitted by the applicant Association have been forwarded by the department to the Ministry and the Ministry has already informed that the recommendations of the 5th CPC for which the Association is demanding is not applicable because these are applicable for organized Group-A Engineering staff only.

7. Considered the rival contention of both the parties and perused the record. After perusal of record, it is revealed that the representation dated 31.1.2014 (Ann.A/9) is pending consideration, which requires to be disposed of by the respondent Department, therefore, we deem it proper to dispose of this OA with the direction to the respondent Department to decided the representation dated 31.1.2014 (Ann.A/9) of the applicants as early as possible, but not later than six months from the date of receipt of a copy of this order in a reasoned and speaking manner and inform the applicants accordingly.

8. The OA stands disposed of as above with no order as to costs.


(MEENAKSHI HOOJA)

Administrative Member


(JUSTICE K.C.JOSHI)

Judicial Member

R/

Reused

new

10/57/19

Specimen

9414266311