

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

OA No. 445 of 1994

Friday, this the 27th day of October, 1995.

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR SP BISWAS, ADMINISTRATIVE MEMBER

1. Parthasaradhi Pulloor, Pharmacist-C,
SC No. 24596, Medical Service,
Vikram Sarabhai Space Centre, ISRO PO,
Thiruvananthapuram-22
2. S Krishnamoorthi, Pharmacist-C,
SC No. 23047, Indian Space
Research Organisation, A.P.E.P.,
Erumathala PO, Ernakulam,
Aluva-5

.. Applicants

By Advocate Mr. N Nandakumara Menon

Versus

1. The Chairman, Indian Space
Research Organisation, Anthariksha Bhavan,
New BEL Road, Bangalore-560054
2. The Director,
Vikram Sarabhai Space Centre, VSSC,
Thiruvananthapuram.
3. Union of India represented by
Secretary, Department of Space,
New Delhi.

.. Respondents

By Advocate Mr. CN Radhakrishnan

The application having been heard on 22-9-1995,
the Tribunal delivered the following on 27.10.95

O R D E R

SP BISWAS, ADMINISTRATIVE MEMBER

Applicants, Grade 'C' Pharmacists in the Indian
Space Research Organisation (ISRO for short) allege that
a scale of pay lesser than what is recommended by the
Fourth Pay Commission is being paid to them. They
further allege that the scale of pay for grade-B

Pharmacists recommended by the last Pay Commission has been artificially split by the ISRO into two grades, one for grade "B" and another for "C" Pharmacists resulting in a lower scale of pay for Grade "C" Pharmacists. They seek a direction to respondents to implement the recommendations of the Fourth Pay Commission by revising the pay scale of Pharmacists "B" to Rs. 1400-2600 (in place of Rs. 1400-2300) and that of Pharmacists "C" to Rs.1640-2900 (in place of Rs.1400-2600) and to pay them in the revised grades for both the categories with effect from the date of their respective promotions.

2. Learned counsel for applicants submits that various contentions raised by applicants in the earlier representations submitted by them have not been properly considered by the first respondent before passing Annexure A6 order dated 9.9.1993. This order is cryptic in nature and is not supported by reasons. The said order was passed against all the principles of natural justice, fair play and equity.

3. Learned counsel for respondents submitted that the reliefs sought by applicants were considered by this Tribunal in O.A. 963/91 and that respondents were directed to consider their representations and to pass appropriate orders. Accordingly, the first respondent considered their representations in accordance with the directions of this Tribunal taking into account the relevant circumstances, the scale of pay available to them prior to the introduction of Fourth Pay Commission Report, the promotion policy of the Government of India/Department of Space,duties and responsibilities

attached to the posts etc. and that a detailed order was passed on 9.9.93.

4. Counsel also argued that by adopting three grades the applicants were in fact benefitted by way of pay fixation on their promotion in the post of Pharmacist-C which they would not have got if the Department were to assign the same scale of Rs. 1400-2600 to both Pharmacist B and C.

5. We find that Pharmacists and other para-medical staff in Group 'C' had earlier approached this Tribunal through OAs 1025/93 and 1857/93 besides OA 963/91 complaining inadequate promotional avenues. Appropriate directions were given in all these cases.

6. After considering the contentions raised by applicants in the present OA, their duties, responsibilities and promotion policy of Government of India, it has been observed by respondents:

"that by adopting three distinct grades for Pharmacists A, B, & C, the Pharmacist A would get pay fixation benefits when they get promotion to the post of Pharmacists B and similarly when they get promoted from Pharmacist B to Pharmacist C. Both applicants who were holding the post of Pharmacist B in the pre-revised scale got their promotion to the post of Pharmacist C only after revising the grades. Thus both of them have enjoyed the benefits of having three distinctive grades for Pharmacists A, B & C. As the applicants are already holding the higher post of Pharmacist C they have no right to ask for a revised scale for a lower post".

7. We may point out that it is not for the Tribunal to direct creation of posts/formulation of new grades. Basically, evaluation or critical appraisal of different grades for different categories of officials is within the jurisdiction of Executive authorities. Whether a new

grade should be created or two existing grades should be merged into one and so on are matters to be appropriately left to the jurisdiction of administrative body. If authority is required for this proposition, it is found in N Ramanatha Pillai Vs. The State of Kerala and another (AIR 1973 SC 2641), CP Damodaran Nayar & Another Vs. State of Kerala and Others (AIR 1974 SC 1343), State of U.P and Another Vs. U.P. Rajya Vidhit Adhikari Karyalaya Karmachari Sangh (1993 SCC (L&S) 847).

8. However, the need for promotional avenues as part of better career prospects, has been recognized by the Supreme Court (See Raghunath Prasad Singh Vs. Secretary, Home (Police) Department, Government of Bihar and Others (AIR 1988 SC 1033), Dr. Ms O.Z. Hussain Vs. Union of India & Others (AIR 1990 SC 311)).

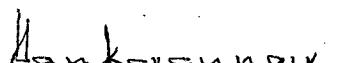
9. Whether a particular group of Pharmacists should be provided with separate higher grade would require in depth examination of several facts. Surely, such an exercise is not to be made by Tribunals/Courts. We would, therefore, decline jurisdiction. Applicants may bring their grievances before the Fifth Pay Commission or such other appropriate authority, who can consider it.

10. We dispose of the application with the aforesaid observations. No costs.

Dated the 27th October, 1995.



SP BISWAS
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

kmn.