IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 46/91 & O.A. No.211/91
T. A. No. 199

DATE OF DECISION 18.6.92

KR.Prasad in OA-46/91
P. Sisupalan & 5 Others in OA-211/91 Applicant (s)

Mr. S.Subramany(in both cases) Advocate for the Applicant (s)

Versus

The Director General,Council of Scientific and Industrial Research(CSIR), New Delhi & 2 others. Respondent (s)

Mr.TPM Ibrahim Khan,ACGSC for (R.1&2)in OA-46/91
Mr.George Joseph(R.1&2) in OA-211/91 Advocate for the Respondent (s)

CORAM : Mr. MC Sen for (R.3) in both cases.

The Hon'ble Mr. PS Habeeb Mohamed Administrative Member

The Hon'ble Mr. N Dharmadan Judicial Member

JUDGEMENT

SHRI N DHARMADAN, JUDICIAL MEMBER

Identical issues arise for consideration in both these cases. Hence they are heard together and we are disposing of these cases by our common judgment.

2. For convenience sake we are stating the facts in OA-46/91. The applicants in the connected case are also similarly situated persons. The applicant has been appointed as Technicians Grade II in the pay scale of Rs.380-560 in the Department of Regional Research Laboratory, Trivandrum. Annexure A1 is Order dated 19.6.1986, He joined duty on 1.8.1979 issued by the Administrative Officer, (R.3) after the report of the Valluri Committee to rectify the anomalies in the pay scale and conditions of staff. The

...2/-

applicant was also placed in the scale at the higher rate automatically. The scale of pay of Rs.380-560 was replaced by the scale of Rs. 380-640. But, the applicant was not given the promotion to the post of Technical Assistant Grade III in the scale of Rs.425-700 because of the anomalous situation created on account of the percentage of 33 1/3 earmarked for promotion, which was introduced in the year 1988. This percentage was later withdrawn in the year 1990. The applicant also pointed out that one Shri P.A. Ignatius who is junior to the applicant was promoted from 1.2.81 and placed in the scale of Rs.330-560. The scale was replaced to Rs.380-660. He was also given additional increment. He was given a basic pay of Rs.416 w.e.f. 21.10.82. Thus the applicant's junior is drawing more pay and there is an anomalous situation. Since there is anomalous situation created as indicated above in the pay scale and promotion of the applicant he has filed a detailed representation Annexure VI. The applicant has given comparative statements regarding pay and the anomalous situation thereof to support his case that his junior is drawing more pay on account of the orders issued by the 3rd respondent. According to the applicant for the reasons mentioned in the representation and in view of the lifting of the percentage restrictions for promotion as pointed out by the applicant, he is entitled to promotion at an earlier date. He has filed this application with the following reliefs:

....3/-

"i) "i) Declare that percentage assessment fixed in Annexure V by the respondents are arbitrary

ii) to award the applicant his promotion and other benefits as on 1.2.1986 on the basis of the trade qualification obtained by him and give applicant his proper pay scale;

iii) to direct the respondents to consider and dispose of Annexure VI representation forthwith;

iv) to issue such other orders or directions as this Hon'ble Tribunal deems fit and proper in the circumstances of the case."

3. Detailed reply has been filed on behalf of the 3rd respondent denying the averments and the allegations in the application. The applicant has filed a rejoinder giving his reply to the various allegations and statements in the reply statement. At the time of the final hearing it was brought to our notice that the questions raised by the applicant pertaining the anomalous situation and the percentage restrictions for promotion are under consideration by Director, Regional Research Laboratory, Trivandrum in Annexure VI. His representation has not so far disposed of considering the merits of the application. It may not be proper for us to go into the merits before the Director takes a decision on the issue arising in this case.

4. Having heard the parties we feel that it would be premature for us to consider the issues on merits and give our final opinion on the contentions raised by the applicant at this stage, particularly when Annexure-VI representation is pending consideration before the Director. It is for the Director to take a decision in this matter

....4/-

at this stage. Hence, without expressing any opinion on the issues raised in this case we would like to dispose of the case with directions in the interest of justice. Accordingly, we direct the 3rd respondent to consider and dispose of Annexure VI representation submitted by the applicant in this case, uninfluenced by any of the statements and commitments made by the respondents in the reply statement already filed in this case. This shall be done within a period of 2 months time from the date of receipt of the copy of the judgment. If the applicant is aggrieved by the out come he may take appropriate legal steps provided under law.

5. The applicants in the connected case also filed similar representations which was Annexure VI to Annexure VI-C in the connected case OA-211/91. We issue same directions to the 3rd respondent in that case also.

6. In the result both the applications are disposed of with the same ~~order~~ directions as indicated above.

7. There will be no order as to costs.

Sd/-
(N DHARMADAN)
JUDICIAL MEMBER

Sd/-
(PS HABEEB MOHAMED)
ADMINISTRATIVE MEMBER

18.6.92.

26/6/92

CERTIFIED TRUE COPY
Date 26.6.1992
Deputy Registrar

CENTRAL ADMINISTRATIVE TRIBUNAL ERNAKULAM BENCH

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CORAM :

The Hon'ble Mr. PS Habeeb Mohamed Administrative Member

The Hon'ble Mr. N Dharmadan Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgement ? No
4. To be circulated to all Benches of the Tribunal ? No

JUDGEMENT

SHRI N DHARMADAN, JUDICIAL MEMBER

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18.6.92.