

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 604/96

Thursday, this the 5th day of March, 1998.

CORAM

HON'BLE MR A.M. SIVADAS, JUDICIAL MEMBER

HON'BLE MR S.K. GHOSAL, ADMINISTRATIVE MEMBER

R. Padmini,
Staff Code No. 24356,
Administrative Assistant 'B',
Personnel and General Administration/
Central School, Vikram Sarabhai Space Centre,
Thiruvananthapuram - 22.

...Applicant

By Advocate Mr G.P. Mohanachandran.

Vs.

1. Head, Personnel and General Administration,
Vikram Sarabhai Space Centre,
Thiruvananthapuram - 22.
2. Joint Secretary to Government of India,
Department of Space,
Anthariksh Bhavan, New BEL Road,
Bangalore - 560 094.
3. Union of India represented by Secretary,
Department of Space,
Government of India,
Bangalore - 560 094.

...Respondents

By Advocate Mr C.N. Radhakrishnan for Respondents 1 to 3.

The application having been heard on 9.2.1998,
the Tribunal delivered the following on 5.3.1998.

O R D E R

HON'BLE MR A.M. SIVADAS, JUDICIAL MEMBER

The applicant seeks to declare that A6 dated 9.4.96,
and A7 and A8 dated 17.5.95 are illegal, arbitrary and
unconstitutional to the extent of giving effect to the new pay
scale only from 17.5.95, to quash A6, A7 and A8 to the extent
of granting revised scale of pay only from 17.5.95 and to
direct the respondents to implement the revised scale of pay to
the applicant with effect from 1.1.86 with consequential
benefits.

2. The applicant is working as Administrative Assistant 'B' in the Vikram Sarabhai Space Centre (VSSC), Thiruvananthapuram. As per A7 and A8, the applicant and other Assistants 'B' were granted revised scale of pay with effect from 17.5.95. Revised scale is Rs.1640-2900. According to the applicant, the revised scale should have been granted with effect from 1.1.86 instead of 17.5.95.

3. Respondents resist the O.A. contending that as per A7, revised scale of Rs.1640-2900 was granted to Assistants 'B' for the reasons stated in A7.

4. As the grievance of the applicant is that revision of pay is not granted with effect from 1.1.86, the only question for consideration is whether the revised scale of pay granted as per A7 is to come into effect only from 17.5.95 or should be with effect from 1.1.86.

5. The significance of the date 1.1.86 is that Government of India revised the pay scales consequent on the recommendation of the Fourth Central Pay Commission. On the basis of the recommendations of the Fourth Central Pay Commission as accepted by the Government of India, respondents revised the pay scales of the employees of the Department of Space with effect from 1.1.86. The revision granted as per A7 sanctioning the scale of pay Rs. 1640-2900 is not based on the recommendations of the Fourth Pay Commission.

6. Learned counsel appearing for the applicant relying on V.R.Panchal and others vs. Union of India through its Secretary, Department of Personnel & Training, New Delhi and others, [1996 (2) SLJ 682] argued that the applicant is entitled to have the benefit of the revised scale of Rs.1640-2900 with effect from 1.1.86. There the question involved was not the date from which the revision of pay should come into effect. The question there was the principle of equal pay for equal work. There is an observation in the said order that:

"The point that there is no provision for direct recruitment on the basis of open competition, has already been discussed and found not sustainable, in our discussions in the earlier O.As above."

Facts and circumstances are entirely different in the case relied on by the learned counsel from the facts and circumstances of this O.A. Respondents have stated in the reply statement that the competent authority approved for enjoining the pay scale of Rs.1640-2900 to Assistants 'B' in the Organisation from the date of element of direct recruitment is introduced.

7. The applicant is also relying on A1, A2 and A3. A1 is the O.M. dated 31.7.90 issued by the Government of India, Ministry of Personnel and Training wherein it is stated that the President is pleased to prescribe the revised scale of pay of Rs.1640-2900 for the pre-revised scale of Rs. 425-800 for duty posts included in the Assistant Grade of Central Secretariat Service and Grade C Stenographers of Central Secretariat Stenographers Service with effect from 1.1.86. It is further stated therein that the same revised pay scale will also be applicable to Assistants and Stenographers in other organisations like Ministry of External Affairs which are not participating in the Central Secretariat Service and Central Secretariat Stenographers Service but where the posts are in-comparable scale with same classification, pay scales and method of recruitment through open Competitive Examination is also the same. A.1 cannot be of any help to the applicants for the reason that the scale of pay Rs.1640-2900 is granted to those who were in the pre-revised scale of Rs.425-800. The applicants admittedly were not in the pre-revised scale of Rs.425-800, but only in the scale of Rs.425-700. The benefit extended as per A.1 to Assistants and Stenographers in other organisations, like the Ministry of External Affairs etc. is

only to those who are holding posts in the comparable grades with same classification and pay scales and the method of recruitment through open competitive examination is also the same.

8. As per A.2 also the scale of Rs.1640-2900 is granted only to those who are in the pre-revised scale of Rs.425-800. So also, as per A.3. Hence, the applicant cannot claim revised scale of pay with effect from 1.1.86 based on A1 to A3 though revised scale has been granted as per A1 to A3 with effect from 1.1.86.

9. A-7 dated 17.5.95 is the O.M. issued by the Government of India, Department of Space, granting the scale of Rs.1640-2900 to the post of Assistant-B in ISRO Centres/Units. The respondents rely on A-7 for the purpose of substantiating their case that the applicant is entitled to revised scale only with effect from 17.5.95 and not with effect from 1.1.86 as contended by the applicant. In para 2 of A-7, it is stated thus:

"2. ISRO continuously attempts to ensure the quality of its manpower, both scientific/technical and administrative, to meet the challenging needs of the organisation. To plan and execute highly complex and schedule critical projects, administrative staff of a high quality matching the quality of Scientists/Engineers are essential. Administrative Staff in ISRO, are not confined to desk related jobs but are also assigned project related works. In view of the fact that the Assistants 'B' play a vital role in the administrative area and their next level of promotion is Assistant Officers, at which level they have to shoulder varied and complex responsibilities, it has been under the consideration of the Department to assign a higher pay scale to the existing Assistants 'B', while bringing in qualitative improvement in such category."

10. In Union of India Vs.P.N.Menon and others, (1994) 4 SCC 68, it has been held that whenever a revision takes place,

a cut-off date becomes imperative and not only in matters of revising the pensionary benefits, but even in respect of revision of scales of pay, a cut-off date on some rational or reasonable basis has to be fixed for extending the benefits. It is also held therein that revision, if implemented with a cut-off date, which can be held to be reasonable and rational in the light of Article 14 of the Constitution, need not be held to be invalid. So, if the cut-off date fixed by the respondents is based on some rational or reasonable basis, there cannot be any violation of Article 14 of the Constitution.

11. Now, it is to be looked into whether the cut-off date prescribed by the respondents is based on some rational or reasonable basis. For that purpose, para 2 of A-7 extracted above throws much light. From the same it is clear that the revision of pay scale has been granted in order to bring qualitative improvement in the administration.

12. From para-3 of A-7 it is clearly seen that it was agreed that at the level of Assistants 'B' to the extent of 1/3rd of the vacancies could be introduced simultaneously assigning the pay scale of Rs.1640-2900 to the post of Assistants 'B' in the various meetings of the Departmental Council (J.C.M).

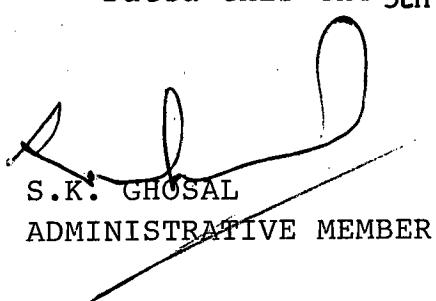
13. Since the revised scale of Rs.1640-2900 is not granted based on the recommendations of the Fourth Pay Commission, and is for the purpose of bringing qualitative improvements in the administration and on the agreement arrived at in the various meetings of the Departmental Council (J.C.M) the cutt-off date

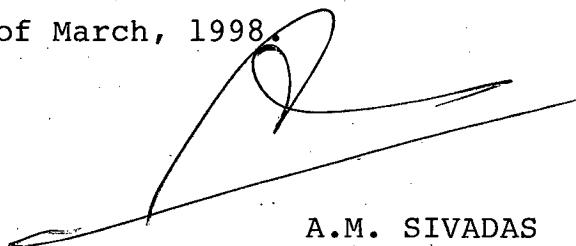
.6.

prescribed, ie., 17.5.95 is only be said on a rational or reasonable basis. That being the position, the applicant is not entitled to the reliefs claimed.

14. Accordingly, the Original Application is dismissed. No costs.

Dated this the 5th day of March, 1998.


S.K. GHOSAL
ADMINISTRATIVE MEMBER


A.M. SIVADAS
JUDICIAL MEMBER

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LIST OF ANNEXURES

1. Annexure A1: Office memorandum No.2/1/90 CS IV dated 31.7.1990 issued by the Under Secretary to the Government of India, Deptt. of Personnel and Training, New Delhi.
2. Annexure A2: Order No.31(11)/90-Gen. dated 9.6.1995 issued by the Deputy Secretary, Council of Scientific and Industrial Research, New Delhi-1.
3. Annexure A3: Office memorandum No.1/1(31)/90-Adm.II/699 dated 5-12-1990 issued by the Deputy Secretary(Admn) Department of Atomic Energy, Bombay-39.
4. Annexure A6: Order No.VSSC/EST/F/14(1) dated 9.4.1996 passed by the 2nd Respondent and communicated to the applicant by Administrative Officer-II(EST), VSSC, Thiruvananthapuram-22.
5. Annexure A7: Office Memorandum No.2/13(10)/85/I(Vol.IV) dated 17-5-1995 issued by the second respondent.
6. Annexure A8: Office memorandum No.HQ:ADMN:A.20(2) dated 17.5.1995 issued by the 2nd respondent.

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