

18

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH, LUCKNOW.

ORIGINAL APPLICATION NO. 49 of 1992.

this the 13th day of February '2001.

HON'BLE MR. RAFIQ UDDIN, MEMBER(J)

HON'BLE MR M.P. SINGH, MEMBER(A)

K.N. Dhawan, aged about 54 years, S/o late Sri Babu Beni Madhav Dhawan, R/o Kamla Asharam Paan Dariba, Charbagh, Lucknow.

2. P.N. Saxena, aged about 47 years, S/o late Sri R.B.L. Saxena, resident of D-2/216-D L.D.A., Colony, Kanpur Road, Lucknow.

3. H.C. Sahai, aged about 45 years, S/o late Sri Sitaram Lal, R/o B-121/3 Manak Nagar, Lucknow.

4. R.L. Arya, aged about 56 years, S/o late Sri Tota Singh, R/o 1-31/1, Manak Nagar, Lucknow.

Applicants.

By Advocate: Applicant No.3 in person.

Versus.

Union of India through Chairman, Railway Board, Rail Bhawan, New Delhi.

2. Additional Director General R.D.S.O., Manak Nagar, Lucknow

3. Dy. Director/E-II, R.D.S.O., Manak Nagar, Lucknow.

Respondents.

By Advocate: Sri S. Verma.

O R D E R ( O R A L )

M.P. SINGH, MEMBER(A)

The applicants have filed this O.A. under section 19 of the Administrative Tribunals Act, 1985 challenging the order dated 20.1.1992 ~~reverting~~ <sup>replacing</sup> the applicants from the pay-scale of Rs. 1640-2900 to Rs. 1400-2600/- (Annexure-7).

2. The brief facts of the case are that the applicants are Hindi Assistants in R.D.S.O., Lucknow ~~and~~ in the cadre of Group 'C' ministerial posts. After recommendations of the 4th Pay Commission, they were placed in the pay-scale of



Rs.1400-2600/-.. Thereafter the Railway Board vide their order dated 7.8.90 conveyed the sanction of the President to prescribe the revised scale of Rs. 1640-2900 for the pre-revised scale of Rs. 425-800 for duty posts included in assistants Grade of Railway Board Secretariat Service and Grade 'C' Stenographers of Railway Board Secretariat Stenographer's Service w.e.f. 1.1.1986. Later on the Railway Board vide their letter dated 10.8.1990 clarified that the instructions contained in the Board's letter dated 7.8.90 will also be applicable to the Assistant (Grade 'B' non gazetted) working in R.D.S.O. office. While implementing these orders, this organisation allowed the pay-scale of Rs. 1640-2900/- to the Hindi Assistants of R.D.S.O. also. Subsequently, the Railway Board vide order dated 28.12.90 had clarified that the Hindi Assistants are not entitled for the pay-scale of Rs. 1640-2900/-. The view taken by the Railway Board was also supported by the Ministry of Finance, who did not grant the pay-scale of Rs. 1640-2900/- for Hindi Assistants. Aggrieved by this, the applicant had earlier filed O.A. no. 18/91 before this Tribunal. The Tribunal vide its judgment/order dated 19.9.1991 quashed the impugned order with the direction that the applicants will give their version within a period of two weeks from the date of receipt of a copy of the order and the respondents will decide the same within a period of three months thereafter. The applicants had represented to the Government for grant of higher pay-scale as was granted to Assistants and Stenographers Grade 'C'. The respondents had considered the representations and passed a reasoned and speaking order dated 20.1.1992 rejecting the claim of the applicants. The representations of the applicants were rejected mainly on the ground that the post of Hindi Assistants belongs to Group 'C' (non-gazetted), whereas the post of Assistants/Stenographers are Group 'B' (non-gazetted) posts. While for Assistants as well as Stenographers, the mode of recruitment is through open

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competitive examination which is not the case as far as Hindi Assistants are concerned.

3. After the representations of the applicants were rejected by the respondents, the Government had set-up 5th Pay Commission. The applicants have got an opportunity to agitate their grievances before the 5th Pay Commission. It is settled law by the apex court that Courts/Tribunals cannot interfere with the question of revision of pay-scale of the employees. It is for an expert body like the Pay Commission to look into such matters. The Pay Commission takes into consideration various factors including the job contents, educational qualifications, promotional avenues, organisational function, cadre structure etc. before making its recommendations to the Government for revision of the pay-scale of a particular post. The 5th Pay Commission had gone into these aspects and made its recommendations to the Government. The recommendations of the Commission have been accepted and implemented by the Government w.e.f. 1.1.1996. The relief as such claimed by the applicants has become infructuous and does not survive. More-over, the respondents while passing the impugned order dated 20.1.1992 have given detailed reasons and have considered all the grounds raised by the applicants in their representations. We, therefore, do not find any fault with the impugned order. In view of the aforesaid reasons, there is no justification to interfere with the order dated 10.1.1992 passed by the respondents.

4. For the reasons stated above, the O.A. is devoid of merit and is dismissed accordingly. No order as to costs.

  
MEMBER (A)

  
Ranjit Singh  
MEMBER (J)

LUCKNOW:DATED: 13.2.2001.