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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 466/88

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DATE OF DECISION: 5.7.1994

Railway Laboratory Staff Ass. Petitioner
through Gen. Sec. Ambaram B Masih

Mr. H J Acharya Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Mr. V G Rege Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri **B.S. Hegde, Member (J)**

The Hon'ble Shri **N.K. Verma, Member (A)**

1. To be referred to the Reporter or not ?
2. Whether it needs to be circulated to other Benches of the Tribunal ?

N.K. Verma
Member (A)

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY 1

O.A. NO. 466/88

Railway Laboratory Staff Association
through its General Secretary
Ambaram B. Masih

...Applicants

V/s

Union of India & Ors.

..Respondents

Coram: Hon. Shri B S Hegde, Member(J)
Hon. Shri N K Verma, Member (A)

APPEARANCE:

Mr. H.J. Acharya
Counsel for the applicant

Mr. V G Rege
Counsel for the respondents

JUDGMENT:

[Per: N.K. Verma, Member (A)]

DATED: 5.7.1994

This is an application from the General Secretary of the Railway Laboratory Staff Association, Bombay praying for the following reliefs:

1. The grades of Asst. Chemist (Rs. 380-560) and Chemists (Rs. 425-700) be merged and the employees be given the revised pay of Rs.1400-2300;
2. The Lab. Supdts. (Gr. 550-900) be given the scale of Rs. 2000-3200 and be provided a channel of promotion to Class B service.
3. Risk Allowance be granted to all the staff working in the medical laboratories;
4. Such further relief and other reliefs as the nature and circumstances of

M. K. Verma

the case may require.

2. The respondents in their written reply have stated that the applicant has got no cause of action whatsoever since the respondents have revised the pay scales of the Railway Laboratory Staff all over the Indian Railways in accordance with the recommendations of the IVth Pay Commission. The said decision, pursuant to the IVth Pay Commission, was taken after the matter was duly considered in the meeting of the JCM, and therefore, it is not open for any of the employees concerned to make any grievance against the decision taken by the Railways. They have also drawn our attention to the fact that in the matter of fixation of pay scales of various employees a number of aspects are taken into consideration such as duties, performance, qualifications, promotional avenues available to the employees etc. This is a function of highly complicated nature and involves taking many policy decisions. The respondents have submitted that it is not the function of this Tribunal to decide the policy matters regarding the pay structure etc. The respondents also brought to our notice that the Applicants Association is a non-recognised one. However, the grievance ventilated by this Association have been examined from time to time but in the absence of any specific recommendation of the IVth Pay Commission which had reviewed the pay structure and other service conditions of all the categories of Central Government employees including the railway employees, the demands made by the applicants Association were found unacceptable. However, as per practice 'not to deal with unrecognised Association' no reply was sent to the letter dated 31.7.1987. The respondents have further submitted that the IVth Central Pay Commission had not made any specific recommendation for the category of employees in Railways and the Assistant Chemist and Chemists are^{Mr} entitled for merger of the pay scales. The staff represented by this Association has been covered by the normal replacement scale laid down by the IVth Central Pay Commission Report. The Commission had not made any specific recommendation in respect of Assistant Chemist and Laboratory Superintendent Gr. B in the prerevised scale of Rs. 380-560 and accordingly these two grades have

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been allotted replacement scale of Rs.1320-2200. The IVth Pay Commission had recommended merger of scales Rs.425-700 and Rs.380-560 applicable to the post of Junior Chemists and Lab. Assistants respectively in the Directorate of Marketing and Inspection which is not applicable to the railway employees. The Pay Commission also did not find any justification either to allot higher pay scales of pay to the category of Laboratory Staff in the Railways nor it found any justification for creating promotional avenue upto group B level for this category. The Pay Commission also did not recommend risk allowance to the Medical Laboratory staff.

3. In view of all this, the respondents have prayed that the O.A. may be dismissed with costs.

4. We have heard the case at length. Shri Acharya, learned counsel for the applicants pressed the points made out in the O.A. that there was discrimination in the case of Railway Medical Staff in so far as the merger is concerned. While the staff working in the Directorate of Marketing and Inspection are having merger benefit, the same has been denied to the applicants. He also pressed the point that as per general preamble of the Pay Commission Report the departments concerned should consider cases of such categories of staff for which no specific recommendations have been made by the Pay Commission and give them parity of pay scales which have already been recommended to similar staff of other Government department. However, the main rebuttal of all these arguments from Mr. Rege, learned counsel for the respondents was that of the Tribunals competence to direct a Government department in revising the pay structure of any category of staff employed by a particular department. As made out in the written statement, recommendation regarding pay scales etc., is a highly technical and a skilled work for which the Government appoints Pay Commissions from time to time. The reports of these Commissions have been discussed and deliberated upon at the highest level by the National Federations of all the recognised unions. Discussions

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already taken by the Government in consultation with the J.C.M. and Railways are not bound to be reopened by queries made by the non-recognised unions.

5- We gave the matter a considerable thought and we have come to a inescapable conclusion that pay scales are to be decided by the Government on recommendations of a specialised body like Pay Commission, Anamolies Committee thereon etc. If a particular category of the staff have not been able to get a fair deal from one pay commission, it is always open to them to agitate before the subsequent pay commissions or a fora for such matters set up by the Government. It is now a common knowledge that the Vth pay commission has been constituted to look into the pay structure of the employees of the Central Government. It is open to the Association of this staff to represent its point to the Pay Commission and get a suitable remedy. Decidedly, this Tribunal cannot go into the merits of a case like this and give any order thereon.

6 The application, therefore, fails and is dismissed without costs.


(N.K. Verma)
Member(A)


(B.S. Hegde)
Member(J)