

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

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NEW BOMBAY BENCH

O.A. No. O.A. No. 308

T.A. No.

19889

DATE OF DECISION 13-11-91

M. R. Brahma Rakshas Petitioner

Shri Phadnies Advocate for the Petitioner(s)

Versus

Development Commissioner
Small Scale Industries Respondent

Shri M. E. Sethna. Advocate for the Respondent(s)

AM By Hon. Mr. M. Y. Pradhan, Member (A)

Hon'ble Mr. Justice U C Srivastava, V.e.

Hon'ble Mr. M. Y. Pradhan, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, BOMBAY BENCH
CIRCUIT BENCH : NAGPUR

Registration O.A.No. 308 of 1989

M.R.Brahmarakshas Applicant

Vs.

Development Commissioner,
Small Scale Industries Respondents

Hon'ble Mr. Justice U.C.Srivastava, V.C.
Hon'ble Mr. M.Y. Priolkar, Member (A)

(By Hon. Mr. M.Y. Priolkar, Member (A))

The grievance of the applicant in this case is three fold. Firstly the 4th Pay Commission had recommended revised pay scale of Rs.3000-5000/- for the earlier pre-revised pay scale of Rs.1300-1700/- of the applicant as also of certain Directors Grade II. But while a higher pay scale of Rs.3700-5000/- was decided for Directors Grade II by Government, the applicant's post namely Industrial Designer in the same pre-revised pay scale of Rs.1300-1700/- was converted into lower revised pay scale of Rs.3000-5000/- instead of the higher pay scale of Rs.3700-5000/-. Secondly, the applicant has been stagnating on the same post in the same pay scale for 15 years, whereas the Government policy is that employees should be entitled to reasonable promotion prospects in their service career. Thirdly, for a certain period, the applicant had been asked to work on the post of Director (Industrial Designer) which is now in the pay scale of Rs.3700-5000/- as a temporary arrangement but he was not paid in the pay scale of the post of Director, although he had officiated for $3\frac{1}{2}$ years on the post of Director. According to the applicant, he had worked continuously in the post of Director from 1.9.81 to 3.4.85 apart from other short spells, in addition to

(a)

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his duties as Industrial Designer. There is no specific confirmation or denial by the respondent regarding this last averment made by the applicant in this application.

2. We have no reason to disbelieve the applicant's statement that he had been asked to look after entire duties of the post of Director during this period when the post was admittedly vacant. The applicant will be entitled to additional remuneration for carrying out the additional duties. He should be therefore remunerated in accordance with the relevant rules for the workdone by him in the higher post of Director in addition to duties of the post of Industrial Designer in which he was paid during this period.

3. Regarding his other prayer for removing the stagnation for incumbents of the post of Industrial Designer or for upgrading the pay scale, we are of the view that the applicant should have agitated before the 4th Pay Commission which was specifically constituted to look into pay scales and related matters. It was open to the applicant to represent even subsequently if there was any anomaly arising from implementation of the 4th Pay Commission recommendation to the Anomalies Committee appointed by Government. The applicant/since retired from the service after earning one promotion in his entire service, according to him. We do not think that we should interfere into this matter at this late stage. The applicant, therefore partly succeeds with a direction as above as regards his prayer for compensation for additional duties performed. The application is disposed of ^{according to} ~~with~~ no order as to costs.


Member (A)


Vice-Chairman.

13th November, 1991, Nagpur.

(sph)