

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO. 773/2000

MONDAY, THE 23RD DAY OF JULY, 2001

CORAM: HON'BLE SHRI JUSTICE ASHOK AGARWAL. CHAIRMAN
HON'BLE SMT. SHANTA SHAstry. MEMBER (A)

Mr. Gajanan Sambari,
Major, married, working as
Assistant Librarian under
Flag Officer Commanding,
Goa Area, Headquarters Naval Area,
Vasco-da-Gama, Goa. ... Applicant

By Advocate Shri Arshad Shaikh.

Vs.

1. Union of India, through the
Secretary, Ministry of Defence,
New Delhi.
2. Chief of Naval Staff,
Naval Headquarters,
New Delhi.
3. Flag Officer Commanding-in-Chief,
Headquarters, Southern Naval
Command, Kochi.
4. Flag Officer Commanding-in-Chief,
Headquarters, Western Naval
Command, Shahid Bagat Singh Road,
Mumbai.
5. Flag Officer Commanding, Goa Area,
Headquarters Naval Area,
Vasco-da-Gama, Goa. ... Respondents

By Advocate Shri V.S. Masurkar.

O R D E R (ORAL)

Hon'ble Smt. Shanta Shastry. Member (A)

None present on behalf of the applicant. Shri V.S. Masurkar for the respondents present.

2. The applicant has sought to redesignate him as an Assistant Librarian & Information Officer and to revise his pay scale while fixing him in the pay scale of Rs. 2000 - 3500 for the same as per the IVth Pay Commission's recommendations and to implement the OM dated 24.7.90 issued by the Govt. of India in respect of categorisation of Libraries and redesignation of the posts in the Libraries.

3. The applicant is working as an Assistant Librarian under the 5th respondent. The Review Committee of the IVth Pay Commission for Library staff had recommended the revision of pay scales on the basis of categorisation of the Library according to the formula prescribed in that behalf. It is the contention of the applicant that the respondents have not carried out recategorisation of the Library, where the applicant is working. According to the formula given in the OM dated 24.7.1990 the Naval Academy library at INS Mandovi is to be categorised as a Category-II library and is to have the post of Assistant Librarian & Information Officer. The applicant, though carrying out the duties and responsibilities of the post of Assistant Librarian & Information Officer and is given the scale of

Rs.1400 - 2600 only. He possesses^{es} the requisite qualification for the post of Assistant Library & Information Officer in the scale of Rs.2000 - 3500 as per the recommendations of the 4th Pay Commission and Rs.6500-9000 as per the 5th Pay Commission's recommendations. The applicant is, therefore, entitled to the redesignated post in the higher scale of pay.

4. The applicant had addressed a representation to the respondents on 25.7.2000 for revision of the pay scale and redesignation of his post. The respondents have replied to him on 20.9.2000 stating that no further action is being considered on the representation of the applicant. Being aggrieved, the applicant has now approached this Tribunal.

5. The respondents contend that even though the Naval Library Academy has been recommended for categorisation as Category-II library the various activities that contribute to the points for categorisation are independently looked after by different personnel. The applicant is not functioning as the head of the library. There is no sanction for employment of civilian as Library staff. The library is functioning under a Naval Officer of a much higher rank. In the absence of sanction, the applicant was employed on casual basis as Assistant Librarian and he was, therefore getting the pay scale of an Assistant Librarian as recommended by IVth and Vth Pay Commissions.

6. The post of Assistant Library and Information Officer is a promotional post controlled by Naval Headquarters on All India basis and as and when sanctioned will be filled as per rules.

7. The learned counsel for the respondents submits further that the applicant was regularised only recently. The applicant has been appointed as Assistant Librarian with effect from 1st May, 2001 and has been posted at INSH Aswini, Mumbai on a starting basic pay of Rs.4500/- in the scale of Rs.4500-7000. The learned counsel for the respondents further adds that there is a correction in the pay scale in July, 2001. An amendment has been carried out by which the applicant has been granted the basic pay of Rs.5000/- in the pay scale of Rs.5000-8000. In view of this order and in view of the fact that the applicant is on probation for a period of 2 years from 1st May, 2001, the subsequent promotion or granting of higher scale etc., cannot be considered at this stage. Further, it is a matter of pay revision and it is not for the Tribunal to interfere in such matters.

8. We have considered the available pleadings. We agree that it is for the expert body to deal with the matters of pay fixation, pay revision etc.

9. In view of the fact that the post of Assistant Library and Information Officer is yet to be sanctioned and the applicant has only recently been appointed

as Assistant Librarian and is on probation, in our considered view no relief can be granted. Accordingly the O.A. is dismissed. We do not pass any order as to costs.

Shanta S
(SHANTA SHAstry)
MEMBER (A)

A. Agarwal
(ASHOK AGARWAL)
CHAIRMAN

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