

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, MUMBAI.

REVIEW PETITION NO.15/2002  
IN  
ORIGINAL APPLICATION NO.202/2000.

Tuesday, this the 18th day of June, 2002.

Hon'ble Shri Justice Birendra Dikshit, Vice-Chairman,  
Hon'ble Shri M.P.Singh, Member (A).

A.B.Pereira & Ors!

...Review Petitioners  
(Original Applicants)

v.

Union of India & Ors.

...Respondents.

: ORDER ON REVIEW PETITION (ORAL) :

M.P.Singh, Member (A).

The applicants had filed OA No.202/2002, which was decided by this Tribunal by its order dt. 21.2.2002 dismissing the OA.

2. The applicants have filed Review Petition No.202/2002 against the aforesaid order passed by the Tribunal in OA No.202/2002. In the Review Petition, the applicants' have prayed for the following order :

"(a) that this Hon'ble Tribunal be pleased to review and recall the Judgment and Order dt. 21.02.2002 passed in the above Original Application and place the O.A. again for hearing.

(b) that such other and further order or orders be passed as the facts and circumstances of the case may require.

(c) that the costs of this Review Petition be provided for."

3. The Review Petition came up for hearing yesterday the 17.6.2002. After hearing Learned Counsel for parties, we were satisfied that there was a misconception of facts while passing the order dated 21.2.2002 and therefore we had recalled this order and the OA was listed for hearing on merits to 18.6.2002.

4. The admitted facts of the case are that, the applicants fourteen in number are working in the categories of Mechanic Grade I/Radio Mechanic, Mechanical Assistant and Professional Assistant (Foreman) under Respondent No.3 viz. the Dy. Director General of Meteorology, Regional Office, Mumbai. According to the applicants, they have been totally discriminated and have been consistently ignored by the successive Pay Commissions. There are very few promotional posts in the higher grade and Respondents have not made any attempt to improve the promotional avenues of the applicants, especially in the category of Mechanic Gr.II, Mechanic Gr. I and Radio Mechanic. There are 135 posts in the cadre of Mechanic Gr. I and Radio Mechanic. However, there are only 17 posts for promotion in the cadre of Mechanical Assistants and further promotion as Professional Assistant (Foreman) meaning thereby that the 118 persons in the cadre of Mechanic Grade I and Radio Mechanic will retire without earning a single promotion in their career. It is stated by the applicants that an Anomalies Committee was set up on 06.02.1998 for settling the anomalies arising out of the recommendations of the 5th Pay Commission. Thereafter, a committee headed by Prof. Sampat was set up by the Government of India, to go into the issue of cadre structure and the pay scales of the employees. The said committee had made recommendations for time bound promotions so as to improve the service conditions of the applicants. However, the Government has not taken steps to implement the recommendations of the said committee. The grievance of the

applicants is that Respondents did not put-forth the case of the applicants before the Fifth Pay Commission or the Anomalies Committee properly. Hence, the case of the applicants has been ignored and their suffering is continuing. The applicants have submitted several representations to the Respondents from time to time, but no action has been taken by the respondents to improve their conditions of service, including career prospects and pay scales.


5. The Respondents, in their reply have stated that with a view to settle the anomalies arising out of the implementation of Fifth Pay Commission certain guidelines were issued by the Government for setting up of Anomaly Committee. On the basis of those guidelines, an Anomaly Committee was constituted on 14th May, 1998, but the same was withdrawn in February, 1999. It was then decided by the Respondents to deal with these anomalies in the pay scales departmentally. Accordingly, the representations received from the concerned Unions were taken up by the Department of Science & Technology for consideration. The matter is still under the consideration and no final decision has been taken in this regard.

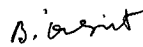
6. As regards, the recommendations of Prof. Sampat Committee, the same have not been implemented on account of different views against these recommendations from the Unions and various other organisations. It is further submitted by the Respondents that the in situ promotion in career advancement scheme and subsequent financial upgradation under Assured Career Progression have been allowed to eligible candidates including applicants at Sl.Nos. 1, 7, 8, 9, 10, 11, 12 and 13 vide order

dt. 16.12.1998 and 7.12.1999. In view of these submissions, the application does not merit consideration and be dismissed.


7. Heard Learned Counsel for both parties and perused relevant records. On a perusal of the papers, we find that certain anomalies have arisen as a result of recommendations of Fifth Pay Commission. The applicants also do not have adequate promotional avenues. While the respondents in their reply have admitted this fact and it is for this reason that they have constituted an Anomalies Committee to settle the anomalies in the pay scales. However, they have withdrawn the matter from the Anomalies Committee in February, 1999 on the ground that the matter related to anomaly will be looked into departmentally. As regards the recommendations of the Prof. Sampat Committee, the Respondents have not taken any decision on the ground that different views have been received by them from the Unions and other Organisations. We are conscious of the legal position settled by the Hon'ble Supreme Court that the Tribunal should not interfere with regard to fixation of pay, as it is a subject matter of the expert body like Pay Commission. However, in this case, the Pay Commission has already made its recommendations and according to Respondents, certain anomalies have arisen which are still under consideration of the Respondents. The recommendations of Prof. Sampat Committee is also under consideration by the Respondents. The Respondents have not yet taken any decision to implement recommendations of Prof. Sampat Committee. In the circumstances, we feel that ends of justice will be met if we direct respondents to take a decision on the

recommendations made by Prof. Sampat Committee and also on the anomalies arising out of the recommendations of Fifth Pay Commission, within a period of three months from the date of a receipt of copy of the order. We do so accordingly. No order as to costs.

  
(M.P. SINGH)  
MEMBER(A)

  
(BIRENDRA DIKSHIT)  
VICE-CHAIRMAN

B.



dt: 18.6.2002  
Order/Judgment despatched  
To Applicant/Respondent(s)  
22.7.02.

  
29/7