

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:191/2001

DATE OF DECISION: 15.1.2002

Shri R.R. Pawar and others Applicant.

Shri P.A. Prabhakaran Advocate for
Applicant.

Verses

Union of India and others Respondents.

Shri V.S.Masurkar Advocate for
Respondents

CORAM

Hon'ble Shri Justice B.Dikshit, Vice Chairman
Hon'ble Shri B.N. Bahadur, Member (A)

(1) To be referred to the Reporter or not? }
(2) Whether it needs to be circulated to other Benches of the Tribunal? }
(3) Library. }
No.

B. Dikshit
(B.Dikshit)
Vice Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO: 191/2001

TUESDAY the 15th day of JANUARY 2002

CORAM: Hon'ble Shri Justice B. Dikshit, Vice Chairman
Hon'ble Shri B.N. Bahadur, Member (A)

1. R.R. Pawar
Resident of
Type-I, CPBF Staff Quarters
Aarey Milk Colony
Goregaon (East), Mumbai.
2. J.S. Navle
Resident of
Type - I, CPBF Staff Quarters
Aarey Milk Colony
Goregaon (East), Mumbai.
3. B.M. Jadhav
Resident of
Nalanda Kutir,
Nallasopara, Dist. Thane.
4. Bansilal Kajod
Resident of
Type - I CPBF Staff Quarters
Aarey Milk Colony
Goregaon (East), Mumbai.
5. G.K. Yadav
Resident of
Azad Road, Vile Parle (East)
Mumbai.
6. B.D. Bhote
Resident of
Denga nagar,
Vikhroli Link Road,
Jogeshwari (East)
7. D.M. Jangam
Resident of
B/4 Balgovind Nagar
Mahakali Road,
Andheri (East) Mumbai.
8. Magan Ranchhod Naiya
Type-I, CPBF Staff Quarters
Aarey Milk Colony
Goregaon (East), Mumbai.
9. Vasant Janrdhan Buvad
Resident of
Durga Nagar
Vikhroli Link Road,
Jogeshwari (East)

B.O.S/mt

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10. Ram Abhilash Yadav
Resident of
Ganesh Nagar
Near Modern Bakery
Aarey Milk Colony,
Goregaon (East).
11. Maruti Nana Khade
Resident of
Durga Nagar
Vikhroli Link Road,
Jogeshwari (East)
12. Phoolchand Khajuji Goer
Resident of
Type -I, CPBF Staff Quarters
Aarey Milk Colony
Goregaon (East), Mumbai.
13. Madhukar G. Gore
Resident of
Navjivan Nagar
Aarey Milk Colony
Goregaon (East)
14. T.S. Karvande
Resident of
Durga Nagar,
Vikhroli Link Road,
Jogeshwari (East)

All employed in the Office of
The Director,
Central Poultry Breeding Farm
Aarey Milk Colony,
Goregaon (E), Mumbai.

...Applicants.

By Advocate Shri P.A. Prabhakaran.

V/s

1. Union of India through
The Secretary to the Govt. of India
Ministry of Agriculture,
Department of Animal Husbandry
& Dairying, Krishi Bhavan,
New Delhi.
2. The Joint Commissioner
Department of Animal Husbandry
& Dairying, Ministry of Agriculture
Krishi Bhavan, New Delhi.
3. The Director
Central Poultry Breeding Farm,
Aarey Milk Colony,
Goregaon (E), Mumbai.

... Respondents.

By Advocate Shri V.S. Masurkar.

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ORDER (ORAL)

{Per B. Dikshit, Vice Chairman}

The applicants have approached this Tribunal with the following reliefs:

(A) The Hon'ble Tribunal may be pleased to direct the respondents to grant the applicants replacement / revised scales as provided in Part "C" of the Central Civil Services (Revised Pay) Rules, 1997 and in the grant of the ACP scheme as granted to all other similarly placed and scientific employees.

(B) This Hon'ble Tribunal may be pleased to direct the respondents that the applicants shall be paid arrears of revision and re-fixation of pay with effect from 1.1.1996.

(C) This Hon'ble Tribunal may be pleased to direct the respondents that interest may be paid on the arrears on month to month basis.

(D) This Hon'ble Tribunal may be pleased to grant any other relief deemed fit and proper on the facts and in the circumstances of the case.

(E) The cost of the application may be directed to be paid.

2. The relevant facts as set out in OA by applicants are that they entered the service of respondents on various dates and were granted in-situ promotions, mostly with effect from 1.4.1991; that the applicants were given in-situ promotion in terms of O.M. under F.No. 10(1)/E-III/88 dated 13.9.1991 of Ministry of Finance, Department of Expenditure; that the entry of applicants being in the lowest scale of Rs. 750 - 940, they were given next higher pay scale of Rs. 775 - 1025 by an order dated 3.3.1994; that some of the applicants filed OA No. 171/99 on 1.9.1999 claiming higher scale of Rs. 975 - 1540 instead of Rs. 775 - 1025; that the respondents granted enhancement of the
B. Dikshit

scale from Rs. 775 - 1025 to 975 - 1540 in respect of 10 out of 14 applicants of OA 171/99^{to get} with effect from 1.4.1991 or after one year of reaching the maximum in the entry scale of Rs. 750 - 940; that the Central Civil Services (Revised Pay) Rules 1997, which were effective from 1.1.1996, required replacement of the employees' pay scales and fixation of their pay in the new scale; that the recommendations of the 5th Pay Commission included the ACP (Assured Career Progression) Scheme which was subsequently accepted and orders and instructions were issued on 9.8.1999 by the Government of India with clarifications from time to time; that the respondents did not follow the provisions of the CCS (RP) Rules 1997 in applying the replacement scales affecting the fixation of pay as on 1.1.1996 and later in the grant of ACP scheme; that the revised scales for group 'D' (part C) which applicants are entitled are:

Rs. 950 - 1500	Rs. 4000 - 6000
Rs. 750 - 940	Rs. 2610 - 3540

that they are revised or replacement scales as applicable to the identical technical staff in the 'Department'; that the scales were not recommended to be revised as in the case of Farm hands like 'Milkers' and 'stockmen'; that the Commission did not recommend or include the categories in the Poultry wing as they were already in receipt of higher scales of Rs. 950 - 1540 on promotion from the scale of Rs. 750 - 940; that the respondents have adopted the general scales for the applicants and other Group 'D' categories as if they are not engaged in doing technical and specialized jobs, though the scale adopted for fixation of pay in-situ promotion with effect from 1.4.1991 had *been*

been not general under part 'A' but special technical scales as given in parts 'B' and 'C' of previous Pay Bodies and Relevant Revised pay Rules; that the respondents brought down the scales of the applicants only to that of general categories in Part 'A' and all others are included in the special / technical categories. When the applicants noted the discrepancy, they submitted representations uniformly.

3. After hearing Shri P.A. Prabhakaran counsel for the applicant and Shri V.S. Masurkar counsel for the respondents, we consider that this matter requires much investigation of facts which could be better dealt with by the department concerned. As it has been brought to our notice that the representation dated 10.1.2000 (page 24 of the OA) has not been disposed of. We consider that respondent No.1 be directed to dispose of representation.

4. For the reasons stated above a copy of this OA with complete pleadings will be filed by applicant before Secretary to Government of India, Ministry of Agriculture, Department of Animal Husbandry & Dairying, Krishi Bhavan, New Delhi (Respondent No. 1) who will treat it as a representation of applicants and dispose of the same by speaking order. The Secretary Ministry of Agriculture, Department of Animal Husbandry will pass speaking orders in respect of each applicants separately. We consider that this matter requires expeditious disposal, preferably within four months from date of production of certified copy of order. The OA is disposed of accordingly.

B.N.Bahadur
(B.N.Bahadur)
Member(A)

B.Dikshit
(B.Dikshit)
Vice Chairman