

CENTRAL ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

OA No.208/2001

Mumbai, this 7th day of September, 2001

Hon'ble Shri Justice Birendra Dikshit, VC(J)
Hon'ble Shri M.P. Singh, Member(A)

1. N.N. Lagad
2. B.C. Patil
3. S.K. Godse

All working as Photographers
in Pathology Deptt., AFMC, Pune
608, Budhwar Peth, Shivaji Road, Pune .. Applicants

(By Shri S.P. Saxena, Advocate)

versus

Union of India, through

1. Secretary
Ministry of Defence, South Block, New Delhi
2. Director General of Armed Forces Medical Services, Army HQs., New Delhi
3. Commandant, AFMC, Pune .. Respondents

(By Shri R.R. Shetty, Advocate)

ORDER(oral)

Shri M.P. Singh

Applicants, three in number, have filed this OA under section 19 of the AT Act, 1985 seeking directions to the respondents to:-

i) place the applicants in the scale of Rs.4000-6000 w.e.f. 1.1.96 and refix their basic pay in the above scale of pay;

ii) fix applicant No.2 in the scale of Rs.4500-7000 from the date he was given in situ promotion from May, 1996; and

iii) give the benefit of ACP Scheme to them from August, 1998 and to refix the pay of applicants No.1 & 3 in the scale of Rs.4500-7000 and that applicant No.2 in the scale of Rs.6500-10500 from August, 1998.

2. Brief facts of the case are that the applicants are working as Photographers in Pathology Department of Armed Forces Medical College, Pune. According to them, the Vth Pay Commission, whose

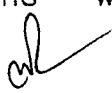


recommendations have been accepted by the Government, has given the following pay scales to Photographers and Cameramen:

a) Senior Photographer	1600-2660	5000-9000
b) Chief Photographer	1640-2900	6500-10500
c) Photographer Gr.I	1200-2040	4500-7000
d) Photographer Gr.II	950-1500	4000-6000

It is their case that applicant No.3 is entitled for revised pay scale of Rs.4000-6000 w.e.f. 1.1.96 because replacement scale of pay for pre-revised scale of Rs.950-1500 has been given by V~~H~~Pay Commission as Rs.4000-6000. Applicants No.1 and 2 who were given in situ promotion w.e.f. May, 1996 have to be given the revised scale of pay of Rs.4500-7000 w.e.f. May, 1996 on the basis of recommendations of V~~H~~Pay Commission as accepted by the Government. Aggrieved by the illegal action of the respondents, applicants have filed this OA seeking the aforesaid reliefs.

3. Respondents in their reply have contested the case and have stated that in the V~~H~~Pay Commission recommendation, the corresponding pay scale against S-5 i.e. Rs.950-1500 was revised to Rs.3050-4590 as per part A of CCS(RP) Rules, 1997 and not Rs.4000-6000. The pay structure stated by the applicants is shown in the Part 'B' of CCS(Revised Pay) Rules and are required to be agreed to by the Ministry of Defence. As per recommendations contained in para 55.189, the standard grade structure proposed can be replicated only in the case of organisations with large cadre of



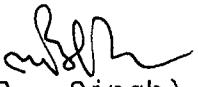
photographic posts like Armed Forces Film & Photo

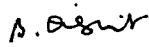
Dn., Ministry of Defence. The recommendation of Pay Commission in respect of Photographer Grade II is not at all applicable to applicants as the requisite qualification for Photographer grade II is Matric and Diploma in photography, whereas the qualification for Photographers in AFMC is only middle class and trained in Photography. Therefore the applicants are not entitled for the pay scale of Rs.4500-7000 and the OA be dismissed.

4. Heard the learned counsel for the parties and perused the records.

5. After hearing the learned counsel for the parties and perusing the records, we find that the Commandant (R-3) has made recommendations to the Raksha Mantralaya, Karyalaya Maha Nideshak (DG-2B), Sashatra Sena Chikitsa Sewa, New Delhi, Ministry of Defence vide his letter No.3243/6/191/CE-IV dated 12th December, 1997 suggesting revised pay scale of Rs.4000-6000 (S-6). It is also mentioned that as per recommendation of Vth Pay Commission in para 55.188 and keeping in view the long length of service of the Photographer, the existing incumbents be placed in the pay of Rs.1200-2040 i.e. in the revised pay scale of Rs.4000-6000 (S-6). It is also proposed to amend the existing R/Rules in line with the recommendation of the Vth Pay Commission for future compliance and that draft R/Rules incorporating Matric qualification has already been forwarded to the Ministry of Defence for approval. 0

6. In view of the above position, we are of the considered view that the ends of justice would be met if we direct R-1 and R-2 to consider the recommendations made in letter dated 12.12.97 for revision of pay scale of the applicants and take a decision within a reasonable time but not later than six months from the date of receipt of a copy of this order. We do so accordingly. The OA is disposed of as aforesaid. No costs.


(M.P. Singh)
Member(A)


(Birendra Dikshit)
Vice Chairman(J)

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