

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH : BANGALORE.

DATED THIS DAY THE 16TH APRIL, 1987

Present: Hon'ble Shri Ch. Ramakrishna Rao ... Member(J)  
Hon'ble Shri L.H.A. Rego ... Member (A)

APPLICATION NO.1698/86

M.S.Krishnamurthy,  
Team Leader,  
National Tuberculosis Institute,  
Bangalore. ... Applicant

vs. (Shri M.Narayanaswamy, Advocate)

1. Union of India represented by its  
Secretary, Health and Family Welfare  
Services, Nirman Bhavan, New Delhi. ... Respondents
2. The Director General of Health Services,  
Nirman Bhavan, New Delhi.
3. The Director,  
National Tuberculosis Institute,  
8, Bellary Road, Bangalore.3

(Shri M.S.Padmarajaiah, CGSC)

This application having come up for hearing,  
Shri Ch. Ramakrishna Rao, Hon'ble Member (J) made the  
following:

ORDER

The facts giving rise to this application are  
briefly as follows: The applicant was working as Field  
Investigator (FI) in the office of the National Tuberculosis  
Institute, Bangalore, (NTI)(R-3). On 9-12-1976 he was  
promoted to officiate in the temporary post of Team Leader  
in the scale of 425-640. On 27-3-1979, an office order  
was issued granting the applicant the pay scale of 425-640  
in Selection Grade from the date of his promotion to that  
grade i.e. 1-8-1976. The grievance of the applicant is  
that no corresponding increase in the pay scale of the post

*But*

...2/-

of TL which he was holding from 9-12-1976 was effected as a sequel to the increase in the pay scale in Selection Grade. Hence he has filed this application praying that suitable directions may be issued to the respondents remedying the existing anomalies in the pay scales of FI (Selection Grade-SG) and TL.

2. Shri M.Narayanaswamy, learned counsel for the applicant contends strongly that the scale of pay for the posts of FI(SG) and TL is the same i.e. Rs 425-640 though the latter post is a promotion post. According to Shri Narayanswamy, the post of TL carries higher responsibilities than the post of FI(SG) and as such prescribing identical scales for both the posts is legally untenable, apart from the anomaly created thereby.

3. Shri M.S.Padmarajaiah, learned Central Government Standing Counsel, invites our attention to para 5 of the Reply filed on behalf of the respondents wherein it is stated that "The Selection Grade is not a promotional post to the categories of Field Investigations; but only an award by providing next higher scale of pay to the categories of staff, where there is acute stagnation. The Respondents submit that the grant of 'Selection Grade' is only an award just to avoid continuous stagnation in a particular scale of pay. Therefore, the scale of pay of the Field Investigations, who have awarded 'Selection Grade' have been placed in the scale of pay of Rs 425-640 that being the next higher scale of pay to that of Field Investigators (Rs 380-640). The cadre Field Investigators as a whole is the feeder post for promotion to the post of Team Leader and on their promotion, their pay will be fixed as per rules under FR 22G."

Shri Padmarajaiah submits that the identity in the pay scales of FI(SG) and TL is valid and does not, therefore, call for any revision as prayed for by the applicant.

4. We have considered the rival contentions carefully. The concept of 'Selection Grade' has been considered by in LALIT MOHAN DEB VS UOI the Supreme Court/reported in 1973 SCC (L&S) 272 and its object and purpose have been enunciated by the Supreme Court

in the following words:

"It is well recognised that a promotion post is a higher post with a higher pay. A selection grade has higher pay but in the same post. A selection grade is intended to ensure that capable employees who may not get a chance of promotion on account of limited outlets of promotions should at least be placed in the selection grade to prevent stagnation on the maximum of the scale. Selection grades are, therefore, created in the interest of greater efficiency."

Keeping in view the purpose for which selection grade is designed, it stands to reason that the scale of pay for the Selection Grade post cannot be at par with the scale of pay for the promotional post. In the present case, the scale of pay for the relevant posts is as follows:

Field Investigator (basic post)	Rs 380-640
Field Investigator (SG)	425-640
Team Leader	425-640
Investigator	425-700
Sr. Investigator	550-900

It is stated in the Reply extracted above that FIs as a whole constitute the feeder cadre for promotion to the post of TL and FI (SG) is not in the nature of a promotion to a person to hold the post of FI at the basic level. If so, there is force in the contention of Shri Narayanaswamy that the post of FI(SG) and the promotional post of TL should not carry identical scales of pay. After giving careful thought to the matter, we are of the view that the pay scale of a promotional post should be higher than the pay-scale of a selection grade post and unless a difference in the pay-scales of the two posts is maintained, the concept of promotion from a lower post to a higher post will be totally eclipsed.

5. We, therefore, direct the respondents to consider within three months from the date of receipt of the order the prayer of the applicant as set out in para 7 of the application in the light of the guidelines (Annexure F). The application is allowed as indicated above.

In the circumstances of the case there will be no order as to costs.

Ch. Ramakrishna  
16/4/87  
MEMBER(J)

MEMBER(A) 16.4.87

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

Commercial Complex(BDA),  
Indiranagar,  
Bangalore - 560 038

Dated : 19/8/87.

IA I in Application No. 1698 / 86(F)

W.P. No

Applicant

Shri M.S. Krishnamurthy

V/s The Secy, Health & Family Welfare  
Services & 2 Ors

To

1. Shri M.S. Krishnamurthy  
Team Leader  
Epidemiological Section  
National Tuberculosis Institute  
No. 8, Bellary Road  
Bangalore - 560 003

2. Shri M. Narayanaswamy  
Advocate  
844 (Upstairs)  
V Block  
Rajajinagar  
Bangalore - 560 010

3. The Secretary  
Health & Family Welfare Services  
Nirman Bhavan  
New Delhi

4. The Director General of Health Services  
Nirman Bhavan  
New Delhi

5. The Director  
National Tuberculosis Institute  
No. 8, Bellary Road  
Bangalore - 560 003

6. Shri M.S. Padmarajaiah  
Central Govt. Stng Counsel  
High Court Buildings  
Bangalore.- 560 001

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH IN

APPLICATION NO. 1698/86(F)

Please find enclosed herewith the copy of the Order/~~XXXXXXXXXXXX~~  
passed by this Tribunal in the above said Application on 18-8-87.

Encl : as above.

~~SECTION OFFICER  
(JUDICIAL)~~

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RECEIVED

21/5/84

Diary No. 1039/CR/87

Date: 22/8/20



**IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL ADDITIONAL BENCH,  
BANGALORE**

**ORDER SHEET**

Application No 1698 of 1986(F)

Applicant

Respondent


M.S. Krishnamurthy

V/s The Secy, Health & Family Welfare  
Services & 2 Ors  
Advocate for Respondent

Advocate for Applicant

M. Narayanaswamy

M.S. Padmarajaiah

Date	Office Notes	Orders of Tribunal
18.8.1987		<p><u>KSPVC/PSM</u></p> <p><u>Orders on IA No.1</u></p> <p>In this IA Respondents have sought for extension of time granted by this Tribunal on 16.4.1987 for compliance with the directions contained in the order made on that day in A No.1698/86. We have perused the application. We are satisfied that every one of the facts and circumstances stated in the IA justify the extension of time sought for by the Respondents. We, therefore, allow IA No.1 and extend the time by another three months from this day.</p> <p>bsv</p> <p style="text-align: center;">18/8/87</p> <p style="text-align: center;">VICE CHAIRMAN</p> <p style="text-align: center;">18/8/87</p> <p style="text-align: center;">MEMBER (A)</p> <p style="text-align: center;">- True copy -</p> <p style="text-align: center;">Hace</p> <p style="text-align: center;">SECTION OFFICER</p> <p style="text-align: center;">CENTRAL ADMINISTRATIVE TRIBUNAL</p> <p style="text-align: center;">ADDITIONAL BENCH</p> <p style="text-align: center;">BANGALORE</p>

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
.....

Commercial Complex(BDA),  
Indiranagar,  
Bangalore- 560 038.

Dated: 1-12-87

IA II IN APPLICATION NO 1698 /8 6 (F)

W.P.No. \_\_\_\_\_

APPLICANT

Vs

RESPONDENTS

Shri M.S. Krishnamurthy

The Secy, Health & Family Welfare Services &  
2 Ors

To

1. Shri M.S. Krishnamurthy  
Team Leader  
Epidemiological Section  
National Tuberculosis Institute  
No. 8, Bellary Road  
Bangalore - 560 003
2. Shri M. Narayanaswamy  
Advocate  
844 (Upstairs)  
Vth Block, Rajajinagar  
Bangalore - 560 010
3. The Secretary  
Health & Family Welfare Services  
Nirman Bhavan  
New Delhi - 110 011
4. The Director General of Health Services  
Nirman Bhavan  
New Delhi - 110 011
5. The Director  
National Tuberculosis Institute  
No. 8, Bellary Road  
Bangalore - 560 003

6. Shri M.S. Padmarajaiah  
Central Govt. Stng Counsel  
High Court Buildings  
Bangalore - 560 001

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/XXXX

~~INTERIM ORDER~~ passed by this Tribunal in the above said application  
on 25-11-87.

RECEIVED 6 copies 2/12/87

Diary No. 1503/2019

Issued Date: 3/12/87

Encl: as above.

DEPUTY REGISTRAR  
(JUDICIAL)

**In the Central Administrative  
Tribunal Bangalore Bench,  
Bangalore**

**ORDER SHEET**

Application No. 1698 of 1986(F)

Applicant

**M.S. Krishnamurthy**

Advocate for Applicant

**M. Narayanaswamy**



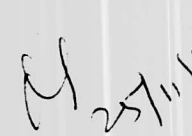

Respondent

**V/s**

**The Secretary, Health & Family Welfare  
Services & 2 Ors**

Advocate for Respondent

**M.S. Padmarajaiah**

Date	Office Notes	Orders of Tribunal
25.11.1987		<p><u>KSPVC/PSM</u></p> <p><u>ORDERS ON IA No.2 - APPLICATION FOR EXTENSION OF TIME</u></p> <p>In this IA the Respondents have sought for extension of time for complying with the orders made by this Tribunal on 16.4.1987. IA No.2 is opposed by the applicant.</p> <p>We are of the view that in the circumstances stated by the Respondents it is just and proper to grant the extension of time sought in IA No.2. We therefore grant extension of time by three months from this day for complying with the directions of this Tribunal made on 16.4.1987.</p> <p>bsv</p> <div style="display: flex; justify-content: space-between;"><div style="text-align: center;"> VICE CHAIRMAN 25/11/87</div><div style="text-align: center;"> MEMBER (A)</div></div> <p style="text-align: center;">-True copy-</p> <div style="text-align: center;"> DEPUTY REGISTRAR CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH BANGALORE</div>

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\* \* \* \* \*

Commercial Complex(BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 7 AUG 1991

CONTEMPT PETITION  
(CIVIL) NO. 195/88 IN

APPLICATION NOS

1698

/86(F)

W.P. NO (S)

Applicant (s)

Respondent (s)

Shri M.S. Krishnamurthy  
To

V/s The Secretary, Health & Family Welfare  
Services, New Delhi & 2 Ors

1. Shri M.S. Krishnamurthy  
Team Leader  
(Epidemiological Research Unit)  
National Tuberculosis Institute  
No. 8, Bellary Road  
Bangalore - 560 003
2. Shri M. Narayanaswamy  
Advocate  
844 (Upstairs), 17th 'G' Main Road  
V Block, Rajajinagar  
Bangalore - 560 010
3. The Secretary  
Health & Family Welfare Services  
Nirman Bhavan  
New Delhi - 110 011

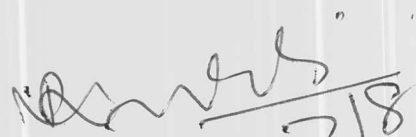
4. The Director General of  
Health Services  
Nirman Bhavan  
New Delhi - 110 011
5. The Director  
National Tuberculosis Institute  
No. 8, Bellary Road  
Bangalore - 560 003
6. Shri M.S. Padmarajesh  
Central Govt. Stng Counsel  
High Court Building  
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of the ORDER ~~XXXXX~~

~~XXXXXXXXXXXX~~ passed by this Tribunal in the above said C.P(Civil)

~~XXXXXXXXXXXX~~ on 16-7-91

  
DEPUTY REGISTRAR  
(JUDICIAL)



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE

DATED THIS THE SIXTEENTH DAY OF JULY, 1991.

Present: Hon'ble Shri G. Sreedharan Nair ... Vice Chairman  
Hon'ble Shri S. Gurusankaran ... Member(A)

C.P.(CIVIL)NO. 195/1988

Shri M.S. Krishnamurthy  
Team Leader  
(Epidemiological Research Unit)  
National Tuberculosis Institute  
No.8, Bellary Road  
Bangalore - 560 003.

... Petitioner

(Shri M. Narayanaswamy, Advocate)

Vs.

1. The Secretary  
Health & Family Welfare Services  
Government of India  
Nirman Bhavan, New Delhi.

2. The Director General of Health  
Services, Nirman Bhavan  
New Delhi.

3. The Director  
National Tuberculosis Institute  
No.8, Bellary Road, Bangalore-3.

... Respondents

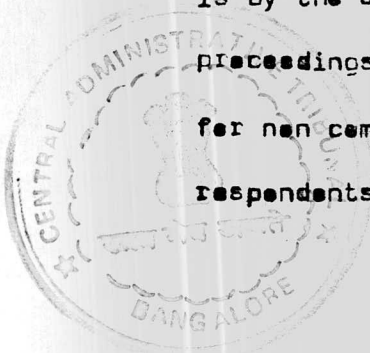
(Shri M.S. Padmarajaiah, Advocate)

This petition having come up for hearing  
before this Tribunal today, Hon'ble Vice Chairman, made the following:-

O R D E R

Heard counsel on either side. This petition  
is by the applicant in the Original Application No.1698/86 to initiate  
proceedings under the Contempt of Courts Act against the respondents  
for non compliance with the final order. The prayer is opposed by the  
respondents.

....2/...



*[Handwritten signature]*

2. The operative portion of the final order is extracted herein:-

" We, therefore, direct the respondents to consider within three months from the date of receipt of the order the prayer of the applicant as set out in para 7 of the application, in the light of the guide lines (Annexure-F)".

The stand taken by the respondent is that by the order dated 22.2.1988, the relief that the applicant <sup>is</sup> really entitled to has been allowed by revising his scale of pay to Rs 425-700 from Rs 425-640. The main prayer in paragraph 7 of the original <sup>is</sup> application/for the issue of direction to the respondents to consider the case of the applicant for a higher scale of pay and to allow the same with effect from 9.12.1976. The order dated 22.2.1988 discloses that a higher scale of pay has been allowed and that too with effect from 9.12.1976.

3. There was a further prayer in the application for a direction to the respondents for the grant of all consequential benefits. Evidently no consequential benefit is allowed by the order dated 22.2.1988. When there was no positive direction in the final order for the grant of consequential benefits or for that matter for allowing the entire prayer of the applicant in the Original Application, and ~~since~~ the direction was only to consider the prayer, the respondents cannot be faulted for violation of the final order, so as to warrant initiation of proceedings under the Contempt of Courts Act.

4. We dismiss the petition.

5. It is made clear that this order shall not preclude the petitioner from pursuing his remedy if any, for the consequential benefits in accordance with law by filing an Original Application.



Sd-  
(S. GURUSANKARAN)  
MEMBER (A)

Sd-  
(G. SREEDHARAN NAIR)  
VICE CHAIRMAN

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7/8/91  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE