

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE FOURTH DAY OF FEBRUARY, 1987

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

APPLICATION NO. 1718/86(F).

S.Sethuraman,
C/o M.Raghavendra Achar,
Advocate, No.1074 & 1075,
Banashankari II Stage,
Sreenivasa Nagar II Phase,
Bangalore.

...

APPLICANT

(Shri M.Raghavendra Achar

...

Advocate)

Vs.

1. The Director of Apprenticeship
Training, M/o Labour and
Rehabilitation, New Delhi.
2. Director of Foreman Training
Institute, Bangalore.
3. Deputy Director of Regional
Vocational Training Institute,
Hosur Road, Bangalore.

...

RESPONDENTS

(Shri M.Vasudeva Rao

...

Advocate)

This application has come up before the court today.

Shri L.H.A.Rege, Member(AM) made the following :

ORDER

The applicant prays for a direction to the respondents to restore/implement the pay-scale of Rs.550-750 in his case with effect from 3.8.1979 i.e., the date on which he resumed duty as Office Superintendent, Regional Vocational Training Institute for Women(RVTI(W) for short) and to grant him consequential relief. In the IA. filed by the applicant subsequently, he has made an additional prayer, to declare as illegal and bad in law, the pay-scale of Rs.425-700, sanctioned by the respondents by the Notification dated 28.11.1979, for the post of Office Superintendent, RVTI(W), for the period from 26.11.1979 to 9.2.1985.

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2. The factual background of this case, in so far as it is relevant to appreciate the contentions raised in this application ^{is} ~~are~~ briefly as follows: The Union Ministry of Labour, has set up the following three Institutes and created a fair complement of staff on their establishment, as is seen from Annexure-A:

- i) National Vocational Training Institute for Women at New Delhi.
- ii) Regional Vocational Training Institute for Women at Bombay.
- iii) Regional Vocational Training Institute for Women at Bangalore.

3. A post each, of Office Superintendent(OS) was created for the RVTI(W), at Bombay and Bangalore. The applicant was promoted by the Director, Foreman Training Institute, Bangalore, by his order dated 4.7.1979(Annexure 'B') from the post of Hostel Superintendent to that of OS, in the pay-scale of Rs.425-700 and posted in RVTI(W) Bangalore, purely on an ad hoc basis, for a period of 3 months or till the post was regularly filled in, whichever was earlier. His appointment was subsequently regularised on 11.4.1980(Annexure-C), by the Deputy Director of Training, RVTI(W), Bangalore. According to Annexure-R1, except for CTI Hyderabad/Ludhiana/New Delhi, where the post of OS carried the junior pay-scale of Rs.425-700, in other Institutes, of which RVTI, ^(W) Bangalore was one, this post carried the senior pay scale of Rs.550-750, which is also evident from Annexure-A. However, taking into account the training requirement and the size of RVTI(W), Bangalore, the post of OS in this Institute, came to be assigned the junior scale of pay viz Rs.425-700. In Annexure-B, even though the pay-scale of the applicant in the post of OS, RVTI(W), Bangalore, to which he was promoted on 4.7.1979, was indicated as Rs.425-700, at the end, it was stated, that the officials will be entitled to draw the pay of the posts to which

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they were appointed/promoted, in the pay-scales indicated against their names and that their pay would be fixed according to Rules.

4. Consequent on review of the workload in RVIT(W), Bangalore, the Recruitment Rules for the staff in RVIT(W), Bangalore, inclusive of the post of OS, in the junior pay scale of Rs.425-700, were framed and notified on 26.11.1979 (Annexure R-2). The recruitment rules for the post of OS in the Senior Pay Scale of Rs.550-750, were earlier amended and notified on 18.1.1979 (Annexure R-3) upgrading the post of OS at CTI Ludhiana and NUM, New Delhi, from the junior to the senior pay scale. A post of OS, in the senior pay scale, came to be created by the Union Ministry of Labour among other posts, with effect from 29.2.1984, under its letter dated 5/6-9-1983 (Annexure-D) for the RVIT(W) at Trivandrum, Kerala.

5. In view of this discrimination, the applicant is said to have submitted a representation to the first respondent (a copy of which he has not produced) and followed it up by a series of reminders upto 17.5.1985, finally culminating in his representation at Annexure-F, the date of which too, strange enough, the applicant has not indicated.

6. The applicant apprehends, that once the pay scales recommended by the IVth Central Pay Commission (CPC) are given effect to, he would be put to considerable financial loss, if he is not given the benefit of the senior pay scale viz., Rs.500-750. According to him, if his pay is fixed in the junior pay scale, he would be brought on the pay scale of Rs.1400-2300, as would be revised on the recommendation of the CPC, as against the higher pay scale of Rs.1600-2600 that would be so revised. The

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applicant further apprehends, that the next post of promotion available to him is that of Registrar, which would be filled in, from among the OSs in the senior pay scale. Apart from putting him to considerable financial loss, on this account, he apprehends, that his career prospects would be seriously impaired. He has therefore filed this application before this Tribunal, for redress.

7. Counsel for the applicant urged, that when a particular pay scale is sanctioned for a specific post, it is the duty of the concerned officer to grant that pay scale; that the post of OS held by the applicant in RVTI(W), Bangalore, carried the senior pay scale of Rs.550-750, but the respondents failed to grant the same, which has caused his client financial hardship; and that he has been discriminated against, by denial of the senior pay scale, as compared to his counterparts in the sister Institutes.

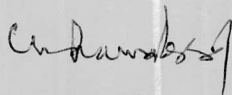
8. While it is the function of the administration, to decide allocation of posts of OSs among the different Institutes under its control, dispersed all over the country, the placement of officials in these posts, with due regard to the pay-scales, has necessarily to be determined on the basis of seniority and merit. We notice, that there are two distinct pay-scales namely, Senior and Junior, as aforementioned, for the posts of OS and that the post of OSs, according to their pay-scale, whether junior or senior, are allotted to the various Institutes, on the basis of the nature and quantum of work and responsibility required to be shouldered, as well as other relevant factors. We are told, that the next post of promotion beyond the stage of OS in the senior pay scale, is that of the Registrar, which implies that a common gradation list needs to be drawn up, covering OSs posted in the different Institutes

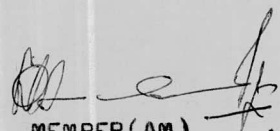
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in the country, to consider their case for promotion to the higher grade of Registrar. It is on the basis of this common gradation list, that the seniority of an incumbent in the post of OS is determined. If that be the case, the applicant should have been posted in a vacancy of the OS, in the appropriate payscale to which he was entitled, according to his seniority, regardless of the Institute. Counsel for the applicant submitted, that his client was not the junior most among the OSs, and was thus entitled to the senior pay scale viz., Rs.550-750. We could not however ascertain the seniority of the applicant, as the common gradation list was not presented before us.

9. In the light of the above discussion, we direct the respondents, that the applicant be given the appropriate pay-scale and posting as OS, with due regard to his seniority in the common gradation list of OSs, from the date from which he actually became eligible for this post, in accordance with this seniority, along with consequential benefit, ^{as this direction} be complied with, within a period of three months, from the date of receipt of this order.

10. In the circumstances of the case, we direct the parties to bear their own costs.


MEMBER(J)


MEMBER(AM) 4.2.1987

AN.

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

IA I IN

APPLICATION No. 1718/86(F)

(WP.NO.)

COMMERCIAL COMPLEX, (BDA)
INDIRANAGAR,
BANGALORE-560 038.

DATED: 30-6-87

APPLICANT

Shri S. Sethuraman

TO

Vs

RESPONDENTS

The Director of Apprenticeship Trg,
M/o of Labour & 2 Ors

1. Shri S. Sethuraman
Office Superintendent
Regional Vocational Training Institute
for Women
Hosur Road
Bangalore - 560 029
2. Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Sreenivasanagar II Phase
Bangalore - 560 050
3. The Director of Apprenticeship Training
Ministry of Labour & Rehabilitation
New Delhi
4. The Director of Foreman
Training Institute
Bangalore
5. The Deputy Director of
Regional Vocational Training
Institute
Hosur Road
Bangalore - 560 029
6. Shri M. Vasudeva Rao
Addl Central Govt. Stng Counsel
High Court Buildings
Bangalore - 560 001

SUBJECT: SENDING COPIES OF ORDER PASSED BY THE
BENCH IN APPLICATION NO. 1718/86(F)

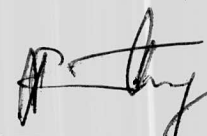
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Please find enclosed herewith the copy of the Order
passed by this Tribunal in the above said Application on

24-6-87

ENCL: As above.

Issued
11/7/87


for DEPUTY REGISTRAR
(JUDICIAL)

o/c.

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

A. No.1713/86

Date	Office Notes	Orders of Tribunal
24.6.1987	<div data-bbox="454 1366 766 1646" data-label="Image"></div> <div data-bbox="422 1814 710 1870" data-label="Text"><p>- True Copy -</p></div> <div data-bbox="422 1881 798 2094" data-label="Text"><p><i>R. Thy 30/6/87</i> SECTION OFFICER CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH BANGALORE</p></div>	<p><u>KSPVC/LHARM</u></p> <p><u>Orders on I.A. No.1</u></p> <p>In this application the Respondents have sought for extension of time by another three months for compliance of directions issued by this Tribunal in A No.1713/86.</p> <p>We are of the view that every one of the facts and circumstances stated by the Respondents justify us to grant a reasonable extension. We are of the view that on the facts and circumstances of the ^{case} case ^{two months time is granted from} the date of expiry of original granted by us. We, therefore, allow IA No.1 in part and extend time by another two months from the date of expiry of original time granted by this Tribunal for compliance of the directions given in A No.1713/86.</p> <p>IA No.1 is allowed in the above terms. In the circumstances of the case we direct the parties to bear their own costs.</p> <div data-bbox="925 1780 989 1825" data-label="Text"><p>bsv</p></div> <div data-bbox="1037 1747 1268 1915" data-label="Text"><p><i>[Signature]</i> VICE CHAIRMAN</p></div> <div data-bbox="1348 1780 1564 1915" data-label="Text"><p><i>[Signature]</i> 24.6.87 MEMBER (A)</p></div>

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated : 10 Sep '87

Review Application No. 95/87 ~~(1st)~~

~~W.P. No~~ in A.No. 1718 (88(A))

Applicant Director of Apprenticeship Training, Vs S. Selvaraman
Min. of Labour & Rehabilitation
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To

1. The Director of Apprenticeship -
Training, Min. of Labour and
Rehabilitation, New Delhi.

2. The Director,
Foremen Training Institute,
Bangalore.

3. Deputy Director of Regional
Vocational Training Institute,
Hosur Road, Bangalore.

4. Sri M. Vaendava Rao,
Central Govt. Standing Counsel,
High Court Buildings, Bangalore-1.

5. Sri S. Selvaraman
C/o Sri M. Raghavendra Achar
Advocate, No. 1074 & 1075,
Banashankar Nagar -
-II Phase, Bangalore.

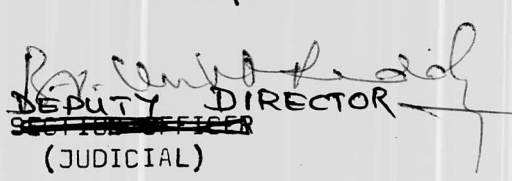
6. Sri M. Raghavendra Achar,
Advocate
(Address as in S.P. No. 5
above).

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH IN REVIEW

APPLICATION NO. 95/87

Please find enclosed herewith the copy of the Order/~~Interim Order~~
passed by this Tribunal in the above said Application on 7 Sep 87.

Encl : as above.


DEPUTY DIRECTOR
~~SECTION OFFICER~~
(JUDICIAL)

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Copies to:-

✓ A.No. 1718 (88(A))

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 7TH DAY OF SEPTEMBER, 1987.

PRESENT:

Hon'ble Mr. Justice K.S. Puttaswamy,

.. Vice-Chairman.

And

Hon'ble Mr. L.H.A. Rego,

.. Member(A).

REVIEW APPLICATION NUMBER 95 OF 1987

1. The Director of Apprenticeship
Training, Ministry of Labour and Rehabilitation,
New Delhi.
2. The Director,
Foremen Training Institute,
Bangalore.
3. Deputy Director of Regional Vocational
Training Institute, Hosur Road,
Bangalore.

.. Applicants.

(By Sri M.V. Rao, Standing Counsel)
v.

S. Sethuraman,
C/o M. Raghavendra Achar,
Advocate, No. 1074 & 1075,
Banashankar Nagar II Phase,
Bangalore.

.. Respondent.

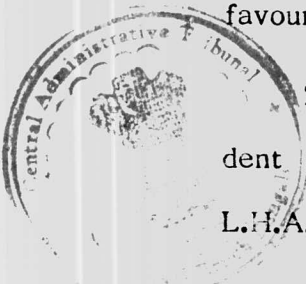
(By Sri M.R. Achar, Advocate).

This application coming on for hearing this day, Hon'ble Vice-Chairman made the following:

ORDER

In this application made under Section 22(3)(f) of the Administrative Tribunals Act, 1985 ('the Act') the applicants who were respondents in A.No. 1718 of 1986, have sought for a review of an order made in favour of the respondent herein who was the applicant.

2. On a detailed examination of the claim made by the respondent a Division Bench of this Tribunal consisting of one of us Shri L.H.A. Rego, Member(A) and Shri Ch. Ramakrishna Rao, Member(J)



had accepted the same and issued appropriate directions in that behalf.

3. In the review application, the applicants have inter alia urged that there was no common gradation list on All India basis in the cadre of Office Superintendents in which the name of the respondent is found; that the order made by this Tribunal was incapable of implementation and, therefore, the same calls for a review.

4. Sri M.Vasudeva Rao, learned counsel for the applicants in highlighting the grounds, urges for review of the order in A.No.1713 of 1936.

5. Shri M.Raghavendra Achar, learned counsel for the respondent contends that every one of the facts stated by the applicants were factually incorrect and even otherwise, the order made which was clear and capable of implementation does not call for a review.

6. On the claims made in the ^{re-}view application, the parties are at variance.

7. We will even assume that the facts stated by the applicants are true and correct. But, then also all of them should have been pleaded as factors to deny the relief sought by the respondent in his application. When the applicants did plead them at the hearing of the case, they cannot now be permitted to urge them as grounds for a review.

8. We are also of the view that the order made by this Tribunal does not disclose any patent error to justify a review. We are also of the view that every one of the factors stated by the applicants, do not fall within the meaning of the terms that there was discovery of a new and important matter or evidence which after the exercise of due diligence, was not within their knowledge or could not be

be produced by them at the time when the order was made by this Tribunal and does not justify a review on that ground also.

9. When we proposed to make our final order dismissing the review application Sri Rao prays for time till 31-12-1987 to implement the order if the same is not challenged in a Special Leave Petition before the Supreme Court under Article 136 of the Constitution. Sri Achar rightly does not oppose grant of time. We consider it proper to grant this request of Sri Rao.

10. In the light of our above discussion, we make the following orders and directions:

1. We dismiss this review application.
2. We grant time to the applicants - respondents in A.No.1718 of 1986 till 31-12-1987 to implement the order of this Tribunal in the said case.

11. Application is disposed of in the above terms. But, in the circumstances of the case, we direct the parties to bear their own costs.

VICE-CHAIRMAN 7/12/87

MEMBER(A) 7/12/87

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bsv/np

DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE