

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038
Dated : 4 Sep '89

Application Nos. 1991, 1992, 1993, 2039 to 2043/86(F)

Applicants

Shri R. Durgaprasad & 7 Ors

v/s The Secy, M/o Finance(Dept of Exptd:
and 4 Ors

To

1. Shri R. Durgaprasad
D.O.S. L - II
Central Excise, HQrs Office
PB No. 5400, C.R. Bldgs
Queens' Road
Bangalore - 560 001
2. Shri A.S. Venkata Ramaiah
Dy Office Superintendent L-II
CEX, HQrs Office, Central Excise
C.R. Bldgs, Queens' Road
Bangalore - 560 001
3. Shri H.S. Ananthapadmanabha
Dy Office Supdt. L-II
Central Excise, Lalbagh Division
Bangalore - 560 025
4. Shri B.R. Sridhara
Dy Office Supdt. L-II
HQrs Office, Central Excise
Central Revenue Bldgs
Queens' Road
Bangalore - 560 001
5. Shri P.K. Janardhana Rao
Dy Office Supdt. L-II
CEX HQrs Office
C.R. Buildings, Queens' Road
Bangalore - 560 001

Respondents

6. Smt. B.M. Vinutha
Dy Office Supdt. L-II
Central Excise HQrs Office
C.R. Bldgs, Queens' Road
Bangalore - 560 001
7. Shri E. Nagaraju
Dy Office Supdt. L-II
Central Excise HQrs Office
C.R. Buildings, Queens' Rd
Bangalore - 560 001
8. Shri Doddarangappa
Dy Office Supdt, L-II
Central Excise HQrs Office
C.R. Buildings, Queens' Rd
Bangalore - 560 001
9. Shri M.S. Nagaraja
Advocate
35 (Above Hotel Swagath)
Ist Main, Gandhinagar
Bangalore - 560 009
10. The Secretary
Ministry of Finance
(Dept. of Expenditure)
North Block
New Delhi - 110 001

Copy to:-

F. No. 2041/86 (A)

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11. The Chairman
Central Board of Excise & Customs
New Delhi - 110 002
12. The Comptroller & Auditor General
New Delhi
13. The Collector of Central Excise
Central Revenue Buildings
Queens' Road
Bangalore - 560 001
14. The Assistant Collector of Central Excise
Lalbagh Division
Bangalore - 560 025
15. Shri M. Vasudeva Rao
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 passed by this
Tribunal in the above said applications on 27-8-87

Encl : As above

B.V. Venkatesh Rao
Deputy Registrar
(Judicial)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 27th DAY OF AUGUST, 1987

Present : Hon'ble Justice Sri K.S.Puttaswamy Vice-chairman
Hon'ble Sri P.Srinivasan Member (A)

Application Nos. 1991/86(F) C/w
1992, 1993, 2039 to 2043 of 1986

1. R.Durgaprasad,
D.O.S. L-II Central Excise,
PB No.5400, Hqrs Office,
Queens Read, C.R.Bldg.,
Bangalore - 560 001. as in application No.1991/86.

2. A.S.Venkata Ramaiah,
Dy. Office Superintendent L.II,
CEX, Hqrs Office, CR Bldgs.,
Queens Read, Bangalore - 1. as in application No.1992/86.

3. H.S.Ananthapadmanabha,
Dy. O S L II, Central Excise,
Lalbagh Division,
Bangalore - 25. as in application No.1993/86.

4. B.R.Sridhara,
Dy.O S L II Hqrs Office,
Central Excise, Queens Read,
Bangalore - 1. as in application No. 2039/86.

5. P.M.Janardhana Rao,
Dy.O S L II, Central Excise,
Hqrs Office, CR Bldgs.,
Bangalore - 1. as in application No.2040/86.

6. B.M.Vinutha,
Dy.O S L III, Central Excise,
Hqrs Office, Bangalore - 1. as in application No.2041/86.

7. E.Nagaraju,
UDC, Under orders of promotion
on Dy.O S L III, Central Excise,
Hqrs Office, Bangalore. as in application No.2042/86.

8. Doddarangappa,
Dy.O S C II, Central Excise,
Queens Read, Bangalore. as in application No.2043/86.

(DR.M.S.Nagaraj ... Advocate)

vs.

1. Union of India, by
Secretary Ministry of Finance,
(Dept. of Exptdr.), North Block,
New Delhi.



2. Chairman,
Central Board of Excise &
Customs, New Delhi.

3. Comptroller & Auditor General,
GOI, New Delhi.

4. Collector of Central Excise,
Queen's Road, Bangalore - 1.

5. Assistant Collector of Central
Excise, Lalbagh Division, ... as in application No.1993/86.
Bangalore - 25.

(Sri M.Jasudeva Rao ... Advocate)

These applications have come up before the
Tribunal today. Hon'ble Justice Sri K.S.Puttaswamy, Vice-
Chairman, made the following :

O R D E R

As the questions that arise for determination
in these cases are common, we propose to dispose of them by
a common order.

2. Prior to and as on 1.1.1986 and onwards all the
applicants are working as Deputy Office Superintendents-
Level II ('DOS II') in the Central Excise & Customs Depart-
ment of Government. Prior to 1.1.1986, their pay scale was
Rs.425-700 and that of the Inspectors was Rs.425-800.

3. The applicants claim parity with the Inspectors
of the Department on diverse factors.

4. Before the IV Pay Commission presided over by
late Justice Singhal of the Supreme Court, the DOS II
claiming parity with the Inspectors of the Dept. urged
the said Commission to recommend for extending them the

very time scales which is allowed to the Inspectors of the Department. But it appears that the IV Pay Commission without specifically examining their said claims and making any specific recommendations on the same, however recommended to Government to revise pay scales of Inspectors from Rs.425-800 to 1640-2900 and the pay scales of DOS II from Rs.425-700 to Rs.1400-2300. In its resolution dated 13.9.1986(Annexure 'A') and the Central Civil Services(Revised) Pay Scales Rules of 1986, Government had accepted and had implemented them from 1.1.1986. Hence the applicants in these separate and identical applications made under Section 19 of the Administrative Tribunals Act, 1985('Act') have sought for a direction to the respondents to extend them the pay scale of Rs.1640-2900 as(etc) is allowed to Inspectors of the Department from 1.1.1986.

5. In their common reply, the respondents have asserted that the nature of duties performed by the DOS II were not comparable to the Inspectors of the Department and therefore they were not entitled to higher pay scale of Rs.1640-2900 allowed to Inspectors.

6. Dr.M.S.Nagaraja, learned counsel for the applicants, contends that the nature of the duties performed by DOS II and Inspectors of the Department in all respects were one and the same and denial of higher scales allowed to Inspectors was discriminatory and violative of Articles 14 & 16 of the Constitution.

7. Sri M.Jasudeva Rao, learned counsel for the respondents, contends that the nature of the duties performed by the DOS II and Inspectors were not one and the same and were totally different and therefore allowing higher scales to Inspectors

was not discriminatory and does not violate Article 16 of the Constitution.

8. Before the IV Pay Commission, DOS II claimed parity with Inspectors and for extending them the pay scales allowed to Inspectors of the Dept. But on the same there were no specific recommendations to Government which also did not examine their claim specifically and give a decision one way or the other.

9. In their applications and the very elaborate written brief filed before us today, the applicants have produced a mass of material justifying their claim for parity with the Inspectors. In para 9 (v) of the written brief the applicants had asserted thus :

"9(v) Successive pay commissions are slowly and slowly step-by-step bringing the ministerial supervisory cadres to a less charming park, in the sense that they are not adequately remunerated. Only to highlight this, the chart is prepared in para 6-10 of the Application. In para 9 (v) of their reply, the averment made by the Respondents, that it is natural that the scale of pay for the post of Inspectors will be improved with the passage of time, is not at all convincing, because, the Respondents have not put forth any reason for their such averment and at the same time, the Respondents have also not adduced any reason for not giving same treatment to ministerial supervisory officers. Also, the Respondents have not disclosed as to what sin the DOS (equivalent cadre) in the same department have committed and why such un-natural treatment to them. Applicants further request to consider the following true position :

	Head Clerk (New DOS L.II) of C.Ex.(OG)	Inspector SCALE	Degree with reference to DOS L.II
I Pay Commission 1931	160-280	100 (Probn.) 120-200	Higher
II Pay Commission 1959	210-380	210-380	Equal
III Pay Commission 1973	425-700	425-800	Lower Max.
IV Pay Commission 1986	1400-2300	1640-2900	Lower Max. Lower Min.

Dy. Office Supdt. Inspector Degree with
(now DOS L.I) of C.Ex.(SG) reference to
SCALE SCALE DOS L.I

I Pay Commission 1931	250-325	200-300	Higher
II Pay Commission 1959	335-425	320-485	Higher Min. Lower Max.
III Pay Commission 1973	550-750	550-900	Lower Max.
IV Pay Commission 1986	1600-2660	NO SG CADRE 1640-2900	Lower even when compared with recruited Inspector.

In both the cases as shown in the above charts, for DOS L.II and DOS L.I, there was nothing adverse in the minimum basic start and annual increments till 1.1.86. Downward trend in the pay scales of the ministerial supervisory officers comparatively with Inspectors of the same department, (which supervisory officers were all along (for a period of 55 years) either equal or were in higher status) has now resulted in not only frustration but also humiliation to the applicants cadre within the department and for that matter even within the same office also."

We are not in a position to say whether all of the statements are correct or not. Even otherwise all these and other factors elaborately stated by the applicants in their original applications and written briefs, undoubtedly call for a further consideration by Government in the first instance. In this view, we consider it proper to direct Government in the Finance Ministry to examine and decide the claim of the applicants by collecting all such information and material as is necessary to decide the questions.

10. For the above purpose, we consider it proper to allow the applicants to file their written representations before Government within a reasonable time. Dr.Nagaraja seeks one month's time from this day to file the same before the Government. We are of the view that this request of Dr.Nagaraja is reasonable. We also consider it proper to fix a reasonable time for the disposal of these representation by Government.



11. In the light of our above discussions we make the following orders :

1. We permit the applicants to file their written representations on their claim before Government within a period of one month from this day.
2. We direct Government of India in the Ministry of Finance to examine and dispose of written representation if any to be filed by the applicants within a period of six months from the date such representations are filed before it.
3. All questions are left open.

12. Applications are disposed of in the above terms. But in the circumstances of the case, we direct the parties to bear their own costs.



Sd/-
VICE-CHAIRMAN
27/8/1981

Sd/-
MEMBER (A)

an.

-True Copy-

R.V. Venkatesh, IAS
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE