

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 28 SEP 1994

APPLICATION NO: 904 of 1993.

APPLICANTS:- Sri.V.A.Reddy, Bangalore.

V/S.

RESPONDENTS:- Secretary, Ministry of Finance, New Delhi
and two others.

To

1. Sri.V.A.Reddy,
S/o.Late V.Nagireddy,
P.A.No.21156, Librarian,
Electronic Training Institute,
Indian Air Force, Jalahalli East,
Bangalore-560 014.
2. Sri.M.S.Padmarajaiah,
Sr.Central Govt.Stng.Counsel,
High Court Bldg, Bangalore-1.

Subject:- Forwarding of copies of the Orders passed by the
Central Administrative Tribunal, Bangalore.

--xx--

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 19th September, 1994.

Issued on
29/9/94 B

[Signature]
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

O.A. NO.904/93

MONDAY THIS THE NINETEENTH DAY OF SEPTEMBER 1994

Shri V. Ramakrishnan ... Member [A]

Shri A.N. Vujjanaradhya ... Member [J]

V.A. Reddy,
S/o Sri Late V. Nagi Reddy,
P.A. No.21156,
Librarian,
Electronic Training Institute,
Indian Air Force,
Jalahalli East,
Bangalore-560 014.

... Applicant

v.

1. The Ministry of Finance,
represented by its Secretary,
Government of India,
New Delhi.11.
2. The Ministry of Defence,
represented by its Secretary,
Government of India,
New Delhi.
3. The Chief Air Staff,
AIR Headquarters,
New Delhi.11.

... Respondents

[By Advocate Shri M.S. Padmarajaiah .
Senior Standing Counsel for Central Government]

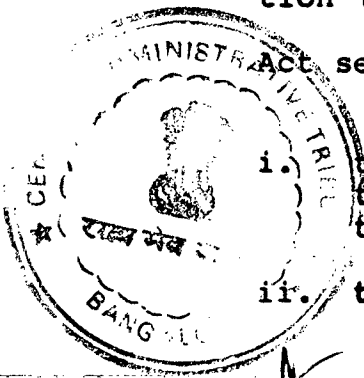
ORDER

Shri A.N. Vujjanaradhya, Member[J]:

1. Aggrieved by the denial of promotion since he
joined service, the applicant has filed this applica-
tion under Section 19 of the Administrative Tribunals

Act seeking the following reliefs:

- i. to fix the applicant in the revised grade struc-
ture of Rs.1400-2600 with effect from 1.1.1986
till 31.12.1990;
- ii. to place him in charge of category II Library



as Library and Information Officer in the scale of Rs.2000-3500 with effect from 10.7.1992--31.12.1993;

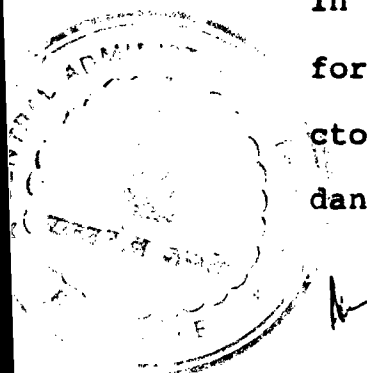
- iii. to provide him the next promotion of Library Officer from 1.1.1994; and
- iv. to provide necessary library staff for each category of library coming under Air Headquarters.

2. The case of the applicant stated briefly is as below:

The applicant has been working as Librarian in Electronic Training Institute ['ETI' for short], Indian Air Force, Jalahalli. He has been working since 1963 without getting a single promotion all these years. The IV Pay Commission revised the pay scales of Central Government employees with effect from 1.1.1986. But in respect of library staff it expressed its inability to fix the pay scale, qualification, etc. and therefore, recommended to the Government of India to constitute a committee to undertake the work. The recommendations of the reviewing committee were accepted and the Ministry of Finance issued a letter as at Annexure B dated 24.7.1990 and 25.10.1990. As per para 4.1 of Annexure B the existing incumbents are to be placed in the grade structure given in para 2 of the said letter. The revised pay structure will have to be implemented from 1.1.1986, the date of implementation of the report of IV Pay Commission. But the applicant was fixed in the revised scale of Rs.1400-2600 with effect from 1.1.1991 as per order dated 24.7.1990. This action is arbitrary and ultra vires of Article

14 and 16 of the Constitution and also opposed to equality and equal protection of law. The ETI, IAF was categorised as Grade II library and, therefore, the pay scale applicable to the Assistant Library and Information Officer is Rs.2000-3500. Since the time of categorisation on 10.7.1992 as per Annexure E and the applicant should have been placed in the said designation and given the pay scale. The applicant is also required to be considered and should be given one more promotion in the scale of Rs.3000--4500 from 1.1.1994. No professional staff has been recruited and the same has resulted in denying the leave due. The Unit Air Force authorities are handing over the library to the service personnel ie., Education Instructors which is improper and illegal. The recommendations of IV Pay Commission at para 11.63 have to be implemented from 1.1.1986. Because no such steps was properly taken the applicant has come forward with this application.

3. The respondents who oppose the application mainly contend that the applicant has opted to the revised scale with effect from 1.1.1991 and, therefore, he was rightly fixed in the pay scale of Rs.1400-2600 and as he has not completed three years of service in the pay scale of Rs.1640-2900 or 8 years experience in the pay scale of Rs.1400-2600, he is not eligible for the grade of Rs.2000-3500. The Educational Instructors are only assisting in the library and no Commandant is holding the post of the grade of Rs.2000-3500



and therefore the applicant cannot make any grievance of air force authorities handling the library. The applicant cannot seek to provide necessary library staff before the Tribunal. Thus the respondents urge that the applicant is not entitled to any of the reliefs sought.

4. We have heard Shri V.A. Reddy, the applicant in person and Shri M.S. Padmarajaiah, learned Senior Standing Counsel for Central Government for the respondents.

5. The applicant made the grievance of he having not been given a single promotion since the time he was recruited in 1963 and revised pay scale ought to have been given with effect from 1.1.1986 and not with effect from 1.1.1991 which, according to him, is arbitrary. It is also the contention of the applicant that he ought to have fixed in the scale of Rs.2000-3500 with effect from 10.7.1992 as ETI is grade II Library. Referring to the telex message dated 10.3.1994 the applicant contends that he should be fixed in the pay scale of the post in the Category II to which ETI is categorised. His further contention is that he should be fixed in the scale of Rs.3000-4500 from 1.1.1994. Reliance is also placed on para 11.63 [Annexure A] of the report of IV Pay commission to contend the revised pay scales are to be implemented with effect from 1.1.1986. The contention of the

N

learned Standing counsel is that because as per Annexure R-4 dated 29.9.1993, the applicant had opted to the fixation of his revised pay scale with effect from 1.1.1991, he is not entitled to claim the further benefits of the scale of Rs.2000-3500 or Rs.3000-4500 because he has not put in the required number of years of service and to the scale he was eligible he was duly fixed as per Annexure R-5 with which the applicant was satisfied as could be seen from Annexure R-6.

6. At para 11.63 in Chapter 11 relating to 'Other categories of Staff' the IV Pay Commission had observed that there are difficulties in reclassifying the posts of librarians and specifying their qualifications and recruitment levels, that the pay scales, qualifications and level of responsibilities will rely on several factors mainly on the size of the library, its character, importance and to draw up suitable proposals in this regard, a committee should be constituted to undertake the work and pending such review by the committee, the Pay Commission recommended that the librarians and library staff may be given the revised scales of pay proposed in the said chapter. However, by letter found at Annexure B, dated 24.7.1990 and 26.10.1990 the categorisation came to be made and Library Information Assistant was categorised as Sl.-No.5 and the revised pay scale was indicated as Rs.1400-2600 to which the applicant was entitled to and was fixed. As this decision revising the pay scales on the basis of the recommendation of the committee is in the nature of new decision it was given effect to prospectively with effect from 24.7.1990

and not with effect from 1.1.1986. For the period from 1.1.1986 to 24.7.1990 pay was fixed in the revised scale corresponding to the pre-revised scale. There is nothing illegal in this action of the Government. The applicant referred to para 4.1 of the letter at Annexure B and category II relating to Assistant Library and Information officer where the pay scale is indicated as Rs.2000-3500 and urged that he should be fixed in the said scale. But in the appendix 1 the Assistant Information Officer, the pay scale applicable to such persons and the qualification for promotion are indicated. An Assistant Library and Information Officer would be entitled to the pay scale of Rs.2000-3500 in case he has put in 3/8 years of experience at Rs.1640-2900/Rs.1400-2600 scales. Sl.No.5 and 6 indicate the pay scales of Rs.1400-2600 and Rs.1640-2900. In Annexure B at page 6 the relevant portion mentioning scale of Rs.1400-2600 is scored out which may or may not be deliberate. However, to get the matter clarified we secured the original from the respondents and the same indicates the pay scale of Rs.1400-2600 after Rs.1640-2900 in the relevant column and 3/8 years refer correspondingly to these two scales. In other words to qualify for the grade of Assistant Library and Information Officer, a person should have worked as Library and Information Assistant in the grade of Rs.1400-2600 for a period of 8 years or should have worked as Senior Library and Information Assistant for a period of 3 years in the scale of Rs.1640-2900. The applicant does

✓

not fulfil either of these required qualification. Even though the applicant came to be recruited in the year 1963 he opted for revised scale of pay by his letter dated 29.10.1993 with effect from 1.1.1991 in the place of 24.7.1990. The department has accepted this option and accordingly fixed the applicant in the revised pay scale as in Annexure R-5 dated 29.10.1993. In the face of this specific option by the applicant it is not open to him to contend that he is qualified for being promoted or fixed in the category of Assistant Library and Information Officer in the pay scale of Rs.2000-3500 as claimed by him. In the light of this position the applicant is not entitled to get his pay fixed in the scale of Rs.2000--3500. It is necessary to repeat at the risk of repetition that the applicant fixed in the scale of Rs.1400--2600 with effect from 1.1.1991 has not put in 8 years of experience to claim the scale of Rs.2000-3500 at S.No.7 of Annexure B.

7. By telex message dated 10.3.1994 received from Air Headquarters addressed to Air Force Station, Jalahalli, it was informed that Library staff located in the Units including the ETI has been declared as category II which is referred to in the letter at Annexure B as Assistant Library and Information Officer in the scale of Rs.2000-3500. The applicant is working in the said post. It is his contention that he is required to be fixed in the scale of Rs.2000-3500. Just because the applicant is working in the ETI which

h

is classified as category II carrying the pay scale of Rs.2000-3500, automatically he will not be entitled to the said scale unless he satisfies the qualification in Annexure A-1 forming part of Annexure B, as was discussed in detail in the preceding para. The applicant will be entitled to category II pay scale only if he had put in 3 years in the pay scale of Rs.1640--2900 or 8 years in the scale of Rs.1400-2600.

8. The next contention of the applicant is that civil staff are not recruited to assist the Library Assistant and the Air Commandant-Educational Officers are posted there which is disputed and denied by the other side. Learned Standing Council contended that no Commanding Officer is working in the post carrying Rs.2000-3500 and, therefore, the applicant cannot be heard to make any grievance. Coming to the question of the prayer that applicant should be provided with necessary library staff it is a matter relating to administration and not a personal relief sought by the applicant with which this Tribunal is not at all concerned. Therefore, the applicant cannot make any such prayer before this Tribunal.

9. In view of what is discussed above, the application lacks merit and it will have to be dismissed. It is accordingly dismissed with no order as to costs.

Sdr

MEMBER [J]

Sdr

MEMBER [A]

SECRETARY
TRIBUNAL
bsv

13-746

In the Central Administrative Tribunal
Bangalore Bench
Bangalore

ORDER SHEET

Review Application No. 159 of 1994
in DA 904/93

<u>Applicant</u>		<u>Respondent</u>
VA Reddy		Secy, M/O Defence, N.Dli & ors
Advocate for Applicant		Advocate for Respondent
In Person		

Date	Office Notes	Orders of Tribunal
		<p>VRMA/<u>ANVMJ</u></p> <p>19.12.1994</p> <p style="text-align: center;"><u>O R D E R</u></p> <p>1. We have disposed of O.A. No.904/93 on 19.9.1994 by a considered order considering all the contentions advanced by the applicant. In this RA the applicant has put forth similar contentions that he had raised in the O.A. elaborating the same after producing some more documents that were available with him to reagitate the same contentions. He has not raised any contention that he has come across any new evidence</p>

Date	Office Notes	Orders of Tribunal
		<p>which was not available to him in spite of best efforts at the time when the original application was heard nor did he point out any error apparent on the face of the records or some such similar ground to seek to review the order. Consequently we find no merit in this RA and as such reject the same.</p> <p style="text-align: center;">O.G.A</p> <p style="text-align: center;">Sd- _____</p> <p style="text-align: center;">MEMBER [A]</p> <p style="text-align: right;">Sd- _____</p> <p style="text-align: right;">MEMBER [J]</p> <p style="text-align: center;">TRUE COPY</p> <p style="text-align: center;"><i>[Signature]</i> 26/11/24 Section Officer Central Administrative Tribunal Bangalore Bench Bangalore</p>