

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 511 OF 1994.

Date of Decision: July 08, 1999.

P. Sahasrabudhe,

Applicant.

Shri S. P. Saxena,

Advocate for
Applicant.

Versus

Union Of India & Others,

Respondent(s)

Shri R. K. Shetty,

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice S. Venkataraman, Vice-Chairman.

Hon'ble Shri. S. K. Ghosal, Member (A).

(1) To be referred to the Reporter or not?

(2) Whether it needs to be circulated to
other Benches of the Tribunal?

(S. VENKATARAMAN)
VICE-CHAIRMAN.

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CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 511 OF 1994.

Dated this Thursday, the 8th day of July, 1999.

CORAM : HON. SHRI JUSTICE S. VENKATARAMAN, VICE-CHAIRMAN.
HON. SHRI S. K. GHOSAL, MEMBER (A).

M. P. Sahasrabudhe,
(ex-JSO/CQA(A) Kirkee),
Flat No. 11, Plot No. 43,
"Anushree", Ideal Colony,
Kothrud, Pune - 411 029. ... Applicant

(By Advocate Shri S. P. Saxena)

VERSUS

1. Union Of India through
The Secretary,
Ministry of Defence,
South Block,
DHQ PO, New Delhi - 110 011.
2. The Director General of Quality
Assurance, Ministry of Defence,
(DGQA), Department of Defence
Production, DHQ PO,
New Delhi - 110 011.
3. The Controller,
Controllerate of Quality
Assurance (Armaments),
Kirkee, Pune - 411 003.
4. The Secretary,
Department of Personnel,
Ministry of Personnel, Pension
& Training, DHQ P.O.,
New Delhi - 110 011. ... Respondents.

(By Advocate Shri R. K. Shetty).

ORDER (ORAL)

PER.: SHRI JUSTICE S. VENKATARAMAN.

The applicant retired as Junior Scientific Officer in 1993 after his promotion from the post of Principal Foreman which was merged with the post of Foreman in the pay scale of Rs. 2375-3500. The applicant's grievance is that as per the Fourth Pay Commission Report the scale of pay of Junior Scientific Officer (J.S.O. in short) is Rs. 2000-3500 which is lower than the pay scale of Foreman (Rs. 2,375-3,500) though the Junior Scientific Officer is a promotional post. The prayer of the applicant and the similarly situated persons has been that the scale of pay of Junior Scientific Officer should be revised to Rs. 2200-4000 which is the next higher scale.

2. Earlier when the anomaly referred to above was highlighted before the Tribunal and the relief which is now sought for had been sought, the Principal Bench of the Tribunal in O.A. No. 751/91 by order dated 26.02.1992 directed the respondents that the anomaly in the case with regard to the pay scale of Junior Scientific Officer should be referred to the Anomaly Committee and further action be taken in the light of the recommendations of the Committee. Accordingly, the Government constituted an Anomaly Committee and the matter was referred to them. However, the Committee in its meeting held on 30.10.1992 opined that the issue raised before them did not come within the purview of definition of 'anomaly'. Consequently, the respondents

did not give any relief to the officers in the cadre of Junior Scientific Officer who had grievance about the anomaly. The applicants in O.A. No. 751/91 before the Principal Bench ~~has~~ filed O.A. No. 912 of 1993 (Rameshwar Das & Others V/s. Union Of India & Others) again seeking the relief that they should get a higher pay scale on their promotion as Junior Scientific Officers. The Principal Bench after considering the previous order as well as the decision taken by the Anomaly Committee gave the following directions :

"With effect from the date of promotion of the applicants, as mentioned in para 4.2 of the O.A., to the post of Junior Scientific Officers, they are entitled to be given a pay scale higher than the pay scale from which they were promoted. In respect of those persons who have been promoted before 1.1.1986, the concerned applicants would also be entitled to higher revised pay scale than the revised pay scale applicable to the feeder category posts from which they were promoted before 1.1.1986. However, in respect of all the applicants, they would be entitled to the arrears of pay only from the date of this judgement. We notice that the new recruitment rules have a provision in Rule 6(8) which enables persons like the applicants to opt for the old pay scales under FR-23. We are, therefore, of the view that it is not necessary for us to pass any further directions in so far as the scheme is concerned. We make it clear that this order does not purport to either interfere with the recruitment rules or pronounce upon their validity."

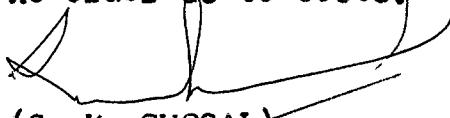
3. Pursuant to the above directions, the respondents have implemented the above directions by their letter dated 11.06.1996 which has been produced before us. The letter shows that the respondents have now given the pay scale of Rs. 2,375 - 3,750 to the Junior Scientific Officers.

4. In view of the above facts, we hold that the applicant is also entitled to the same benefit which has been given to the applicants by the Principal Bench in O.A. No. 912 of 1993 which has been implemented by letter dated 11.06.1996.

5. For the above reasons, this application is disposed of directing the respondents to sanction the pay scale higher than the pay scale from which he was promoted as in the case of applicants in O.A. No. 912/93 before the Principal Bench and that he would be entitled to the higher revised scale of pay from the date he was promoted as Junior Scientific Officer with all consequential benefits. The applicant has since retired and as such his pension will also have to be refixed after fixation of his pay in the post of Junior Scientific Officer. The applicant will be entitled to arrears, if any, from one year prior to the date of filing of this application. This application has been filed on 12.04.1994. The respondents shall comply with this direction within four months from the date of receipt of a copy of this order.

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


(S. K. GHOSAL)

MEMBER (A).


(S. VENKATARAMAN)
VICE-CHAIRMAN.

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