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CAT/3/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI
Hyderabad

O.A. No.

381/89

198

P.A. No.

DATE OF DECISION

17/1/90

Petitioner

Advocate for the Petitioner(s)

Versus

Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr.

B. Jayaram Reddy

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement? *no*
2. To be referred to the Reporter or not? *no*
3. Whether their Lordships wish to see the fair copy of the Judgement? *no*
4. Whether it needs to be circulated to other Benches of the Tribunal? *no*

BNJ
(BNJ)

(90)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.NO. 381 of 1989

Date of Order: 17/1/1990

Between:

L.Nageswar Rao

..Applicant

and

The Secretary, Home Department
New Delhi and others

..Respondents

..

Mr.J.V.Lakshmana Rao

..For Applicant

Mr.E.Madan Mohan Rao,

..Addl.CGSC for the
Respondents

C O R A M:

HON'BLE SHRI B.N.JAYASIMHA: VICE CHAIRMAN

..

(Judgment delivered by Shri B.N.Jayasimha, Vice Chairman)

1. This is an application from an Operator - DDE System, working in the office of the Census Operations Hyderabad. He has filed this application seeking a direction to the respondents to grant him the pay scale of Rs.1350 to 2200 on par with operators working in Railways.

2. The applicant states that he was appointed as Operator of DDE System, Office of the Deputy Director, Census Operations, Hyderabad, with effect from 5-6-82. As per IVth Pay Commission recommendations, the scale of pay recommended and fixed for operators working in DDE systems is Rs.1200-2040. He contends that for similar

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posts of Operators working in DDE System in Railway, Scale of pay of Rs.1350-2200 was granted. Both the Junior and Senior Punch Operators in the Railways were given a unified revised scale of pay of Rs.1350 to 2200 as compare to Rs.1200-2040 fixed for operators working in DDE Machines in Census Department. The applicant further states that the minimum qualification prescribed for recruitment of Operators in DDE System in Census Department is 'Graduate' and the same qualification is prescribed in the Railway also. The nature of job performed by Operators working in Census Organisation and Railway is similar and identical. The total number of work hours are 40 in Census Organisation, where^{as} it is only less than 39 in Railways. There is, therefore, no justification to fix a lower scale of pay of Rs.1200-2040 to operators working in DDE System of Census Operations when operators working in Railway are granted higher pay scale of Rs.1350-2200. Aggrieved by the said discrimination, the applicant submitted a representation dated 30-12-88 to the Secretary, Ministry of Home Affairs, Government of India, New Delhi. This was followed by reminders issued on 17-2-1989 and 28-3-1989, but no reply has been received from respondents. Hence, the applicant has filed this application.

3. I have heard the learned counsel for the applicant Shri Lakshmana Rao and Shri E. Madan Mohan Rao, Standing Counsel for the department.

4. Shri Madan Mohan Rao, on the basis of the Para wise remarks given to him by the respondents states that the Ministry of Finance, Department of Expenditure in their

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O.M.No.F.7(i)/IC/86(44) dated 11-9-1989 has informed that the Government of India has decided to introduce the revised pay structure for electronic data processing posts as per the recommendations of the Committee constituted by the Department of Electronics and suggested revised pay scales of Data Entry Operators of different grades. The Ministry of Finance also advised all the Ministries to review the existing designations, pay scales and recruitment qualifications etc., and to revise the pay scale of existing post ~~xxxxxx~~ (Data Processing post) under their administrative control. As per the instructions, the revised pay scales will be operative from the date of issue of notification by the concerned Ministry/Department. He further states that in pursuance to the instructions given by the Ministry of Finance, the pay scales of DDE posts under this organisation have to be reviewed by the Ministry of Home Affairs in consultation with the Financial Adviser of the Home Ministry and the revised pay scales of the Operators in this organisation will be made applicable from the date of issue of necessary order by the ministry. The department therefore has to wait till the orders are issued by the Ministry of Home Affairs introducing the revised pay scales for DDE Unit posts in this organisation.

5. It is clear from the facts mentioned above and also from the Ministry of Finance, Department of Expenditure O.M.No.F.7(i)/IC/86(44), dated 11-9-1989, that for the Data Entry Operators, Grade-B, the scale of 1350-2200 has to be given. All that is stated is that the department ~~has~~ is waiting for the orders to be issued by the Ministry of Home Affairs. The applicant's apprehension is that

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the delay in issuing the order will result in monetary loss to him. In the circumstances, I direct the respondent no.1 to examine the case in the light of the Ministry of Finance's OM dated 11-9-89 and issue orders within a period of two months from the date of receipt of this order.

6. In the result, the application is disposed of with the above direction. No order as to costs.

B.N. Jayasimha
(B.N. JAYASIMHA)
Vice Chairman

Dated: 17th day of January, 1990.
(Dictated in open court)

vcr.

S. Venkatesh
DEPUTY REGISTRAR(J)

22/1/90

TO:

1. The Secretary, Ministry of Home Affairs, Government of India, New Delhi.
2. The Registrar General Census, 2-4, Mansingh Road, New Delhi.
3. The Deputy Director, Census Operations, Hyderguda, Hyderabad.
4. One copy to Mr. J.V. Lakshmana Rao, Advocate, Flat No. 301, 3rd Floor, Balaji Towers, New Bakaram, Hyderabad-500 380.
5. Mr. E. Madan Mohan Rao, Addl. CGSC, CAT., Hyderabad.
6. One spare copy.

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kj.

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Des
Draft by: Checked by: Approved by
D.R.(J)

Typed by: *IT* Compared by:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

HON'BLE MR.B.N.JAYASIMHA: (V.C.) ✓
AND
HON'BLE MR.D.SURYA RAO: MEMBER (JUDL)
AND
HON'BLE MR.D.K.CHAKRAVORTY: MEMBER: (A)
AND
HON'BLE MR.J.NARASIMHA MURTHY: MEMBER (J)

DATED: 17-1-90

ORDER/JUDGMENT ✓

~~M.A./R.A./C.A./No.~~

in

~~F.A.No.~~

(W.P.No.

)

O.A.No. 381189

~~Admitted and Interim directions
issued.~~

~~Allowed.~~

~~Dismissed.~~

~~Disposed of with direction.~~ ✓

~~M.A. Ordered.~~

No order as to costs. ✓

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