

(86)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 493/90

Date of Order: 1.11.1993

1. A.Sridhar	30. C.Prakash
2. Y.Sreenivas Reddy	31. P.Senthil Kumar
3. Addepalle Adiseshu	32. G.Gopichander Goud
4. B.Satyanarayana	33. Anthony Marcus
5. R.Venkateswar Swamy	34. A.Chandrasekhar
6. V.V.C.Shekara Chari	35. D.Damodara Rao
7. K.Srinivasa Rao	36. B.Srinivas
8. K.Kurma Rao	37. S.T.Yadav
9. V.Bhaskarachari	38. Y.Vijay Kumar
10. B.Sampath Kumar	39. K.V.Prasad
11. M.Ravi Kumar	40. Mohd.Shaifiullah
12. K.Veerabhadram	41. V.S.R.V.Kumar
13. V.Kajan Babu	42. P.K.Ghorai
14. P.Narender	43. S.N.Samarendranath Lahiri
15. T.Ratan Kant	44. K.Thirumala
16. K.Devraj	45. Amitava Das
17. H.Vasanta Rao	46. J.S.S.Prasad
18. G.Venkateswarlu	47. G.Viswanath
19. Ch.S.Madhava Rao	48. Ashok Kumar Tomer
20. M.Umeshankar	49. Jagbir Singh Choudary
21. B.V.Rama Krishna	50. K.Madan Gopal Goud
22. G.V.R.Sastry	51. Suresh Shukla
23. G.Sudarshan Reddy	52. K.S.R.V.V.Prasad
24. K.Bhaskar Rao	53. M.Bhaskar Rao
25. P.Madan Kumar	54. A.K.Misra
26. C.Sundar	55. C.P.Singh
27. Ch.Ragha Rao	56. A.K.Chouhan
28. M.Savari Muttu	57. J.Raja Ram
29. Pradeep Kumar <i>paal</i>	.. Applicants

A N D

1. Government of India, rep. by Secretary, Ministry of Finance, New Delhi.
2. The Chief Executive, Heavy Water Project, Vikram Sarabhai Bhavan, Anushaktinagar, BOMBAY-94.
3. The Chairman, Atomic Energy Commission (DAE Pay Anomaly Committee), Department of Atomic Energy, Vikram Sarabhai Bhavan, Anushaktinagar, BOMBAY-94.
4. The Administrative Officer (Manager), Department of Atomic Energy, Heavy Water Plant, Manuguru, Khammam Dist.

.. Respondents.

JAGP
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Counsel for the Applicants

.. Mrs. M. Vinobha Devi, Advocate

Counsel for the Respondents

.. Mr. N. V. Ramana, Advocate C.G.S.C.

CORAM:

HON'BLE SHRI A.B.GORTHI : MEMBER(ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUDL.)

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Order of the Division Bench delivered by
Hon'ble Shri A.B.Gorthi, Member(Admn.).

All the 56 applicants herein are working as Scientific Assistants 'B' in the Heavy Water Project, Department of Atomic Energy. The relief that they claimed in this application is for a direction to the respondents to step up the pay scales of the applicants by 3 increments in the revised pay scales w.e.f. 14.8.1987 and to pay all the consequential arrears.

2. The applicants were selected for trainee category 1 and 2 in Heavy Water Plant, Munuguru. During the period of training they were paid Rs.420/- p.m. as stipend. On completion of training they were to be appointed either as Scientific Assistant 'B' or as Scientific Assistant 'A' depending on the level of performance of the trainees. The pay of the Scientific Assistant 'B' was Rs.470-650 whereas that of Scientific Assistant 'A' was Rs.425-560. There was thus a difference of 3 increments (Rs.15/- each) in the initial fixation of pay of the Scientific Assistant 'B' and Scientific Assistant 'A'. However, this disparity disappeared when the revised pay scales were implemented on the recommendation of the Furth Pay Commission. In the revised pay scale the pay of Scientific Assistant 'B' is Rs. 1400-40-1600-50-2300-EB-60-2600 whereas that of Scientific Assistant 'A' is Rs.1400-40-1600-EB-50-2300. Thus both Scientific Assistant 'A' and Scientific Assistant 'B' would

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start with the basic salary of Rs.1400/- and were to be given Rs.40/- increment per year for the next 5 years.

3. The contention of the applicants is that in the revised pay scales, Scientific Assistant 'A' would get the benefit of pay of Rs.1650/- when he is promoted to the post of Scientific Assistant 'B' on completion of 5 years of service whereas the Scientific Assistant 'B' will be drawing the pay of Rs.1600/- only on completion of 5 years of service. On this hypothetical basis the applicants claim that the initial pay of Scientific Assistant 'A' should be higher atleast by 3 increments compared to Scientific Assistant 'B'.

4. The respondents in their reply affidavit have not disputed the averments made in the application. They, however, contend that the grievance of the applicants is hypothetical as no Scientific Assistant 'A' who was recruited along with the applicants has since been promoted to the post of Scientific Assistant 'B'. Notwithstanding the same, the respondents are cognizant of the anomaly, hypothetical or otherwise, raised by the applicant. Accordingly they state that the issue is under active consideration of the Department of Atomic Energy Pay Anomaly Committee and the final orders on the representation of the Scientific Assistants 'B' are yet to be passed. In this context we quote below para 5 of the respondents counter affidavit:

"As regards para-iv it is submitted that the representations on the hypothetical anomaly as brought out by the applicants are under the active consideration of the Department and decision arrived by the Department will be made applicable wherever the employees are being affected by the anomalous pay

30/09/92

Copy to:-

1. Secretary, Ministry of Finance, Government of India, New Delhi.
2. The Chief Executive, Heavy Water Project, Vikram Sarabhai Bhavan, Anushaktinagar, Bombay-94.
3. The Chairman, Atomic Energy Commission(DAE Pay Anomaly Committee), Department of Atomic Energy, Vikram Sarabhai Bhavan, Anushaktinagar, Bombay-94.
4. The Administrative Officer(Manager), Department of Atomic Energy, Heavy Water Plant, Manuguru, Khamman District.
5. One copy to Mrs. Vinobha Devi, advocate, 3-4-845/2, Barkatpura, Hyd-27.
6. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

*Shashi
Rsm*

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fixation. Pay scales of Scientific Assistant A and Scientific Assistants/B recommended by the IV Pay Commission were accepted by the Government for implementation in all Government departments uniformly. As such Department of Atomic Energy cannot make different pay scales for such categories of employees. These pay scales are applicable to all Government Servants in all departments for the post of Scientific Assistants/A and Scientific Assistants/B. In view of this DAE have referred the matter to Ministry of Finance for clarification and decision."

5. When this application was called for final hearing on 18.10.93 none was present for the applicant. Accordingly it was listed for dismissal today. Even today there is none for the applicant. However, we have perused the material before us and also heard Mr. N.V. Ramana Standing Counsel for the respondents.

6. In view of what is afore-stated, we find firstly that the grievance of the applicants is rather hypothetical and secondly the said grievance, in any case, is receiving due consideration of the Department of Atomic Energy Pay Anomaly Committee as stated by the respondents in their affidavit.

7. For the reasons above stated we are not inclined to pass any orders in this application and the same is thus disposed of. There shall be no order as to costs.

T. Chandrasekhar
(T. CHANDRASEKHARA KEDDY)
Member (Judl.)

A. B. Gorthy
(A. B. GORTHI)
Member (Admn.)

Dated: 1st November, 1993

(Dictated in Open Court)

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89/11/83
Dr. Registrar (Judl.)

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O.A. 493/93

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(A)
AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY
MEMBER(JUDL)

AND

THE HON'BLE MR.P/T.TIRUVENGADAM:M(A)

Dated: 1/11/1993

ORDER/JUDGMENT:

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

O.A.No.

T.A.No.

(W.P.)

Admitted and Interim directions
issued

Allowed.

Disposed of with directions
Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

pvm

