

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.493/90

Date of Order: 1.11.1993

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|-------------------------------|-------------------------------|
| 1. A.Sridhar | 30. C.Prakash |
| 2. Y.Sreenivas Reddy | 31. P.Senthil Kumar |
| 3. Addepalle Adishesu | 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.Shafiullah |
| 12. K.Veerabhedram | 41. V.S.R.V.Kumar |
| 13. V.Rajan 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.Umashankar | 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>paul</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.

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.. f A ..

Counsel for the Applicants

.. Mrs.M.Vinobha Devi, Advocate.

Counsel for the Respondents

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

CORAM:

HON'BLE SHRI A.B.GORTH I : 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 ⁶Fourth 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 should be higher atleast by 3 increments compared to Scientific Assistant 'A'.

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

30/10/92

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/-

Handwritten signatures and initials are present to the left of the 'Rsm/-' text.

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 Reddy
(T.CHANDRASEKHARA REDDY)
Member (Judl.)

A.B. Gorthi
(A.B.GORTHY)
Member (Admn.)

Dated: 1st November, 1993

(Dictated in Open Court)

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Dt. Registrar (Judl.)

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O.A. 493/90

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. GORTHY : MEMBER (A)

AND

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

AND

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

Dated: 17/11/1993

~~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.

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