

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.1232/97.

Dt. of Decision : 28-07-98.

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| 1. T.S.V.S.Janakirama Sarma | 56.R.S.Tyagi |
| 2. M.Lakshminarayana | 57.Sushil Kumar |
| 3. S.Nageswara Rao | 58.Ramjilal Meena |
| 4. U.R.Podaki | 59.A.K.Jain |
| 5. B.H.Balunawar | 60.N.P.Sinha |
| 6. H.L.Lamani | 61.K.K.Baruah |
| 7. J.S.Hiremath | 62.Govind Kumar Singh |
| 8. Kamal Kumar Mukhopadhyay | 63.S.D.Sharma |
| 9. S.Daniel James Mony | 64.K.S.Choudhury |
| 10.D.Selvaraj | 65.J.K.Sinha |
| 11.G.Vijayakumar | 66.Pradeep Kumar |
| 12.M.Murugesan | 67.S.LO.Khadgi |
| 13.K.Iyappan | 68.B.Anil Kumar |
| 14.G.balakrishnan | 69.P.V.Krishnarao |
| 15.M.Ganesan | 70.K.Chandra Reddy |
| 16.P.Narayan Pillai | 71.S.Yesu Babu |
| 17.M.Ajumal Farooq | 72.K.G.S.Mohiuddin |
| 18.Veerendra Kumar | 73.K.Balakrishnaiah |
| 19.R.K.Saushik | 74.G.Satyanarayana |
| 20.S.K.Bajpai | 75.P.Harinad |
| 21.Pramod Gupta | 76.P.V.S.Rao |
| 22.Gopal Singh | 77.M.W.Asole |
| 23.Kamalesh Prasad | 78.M.V.Sonkusale |
| 24.Jagram | 79.Vishnu Shyam Rao Kanse |
| 25.Mool Chand Bansal | 80.K.B.Gawande |
| 26.D.C.Mourya | 81.Pradeep Kumar Roy |
| 27.Satyanarayan Mandi | 82.Nitai Chandra Biswas |
| 28.Niranjan Ghosh | 83.M.A.Mohiuddin |
| 29.Nikhil Chandra Rauth | 84.Bholanadh Saha |
| 30.B.Sengupta | 85.R.K.Goswami |
| 31.Shyamal Kumar Gan | 86.K.H.Rao |
| 32.Samarendra Kumar Debnath | 87.Manoj Kumar Mishra |
| 33.Sreekanth Kumar Bizwas | 88.Madhab Chandra Rath |
| 34.Achintya Krishna Roy | 89.S.K.Bhargava |
| 35.Smriti Datta | 90.Sarajit Bose |
| 36.Pradeep Kumar Guha Roy | 91.Asim Kumar Saha |
| 37.Niranjan Kumar Baidya | 92.Ashok Kumar Jondal |
| 38.P.K.Sasmal | 93.Ramlal |
| 39.P.S.Mariappan | 94.Basant Singh |
| 40.P.Jaiprakash | 95.Satpal |
| 41.P.C.Sasany | 96.R.N.Panda |
| 42.P.Nayak | 97.Ananda Chandra Mahapatra |
| 43.A.Mayajoti | 98.V.Ramamurthy |
| 44.Kailash Chander | 99.J.N.Ram |
| 45.S.K.Choudhury | 100.Gulabchand |
| 46.Bharat Adimurty | 101.Khedan Prasad |
| 47.C.D.Sahu | 102.Karan Singh |
| 48.A.P.Sewatkar | 103.Devendrakumar |
| 49.V.Bapi Raju | 104.A.Lenka |
| 50.A.Subhash Chandra Bose | 105.S.N.Nayak |
| 51.V.Nagabhushanam | 106.G.S.Bisht |
| 52.G.S.Dogra | 107.Virendra Singh |
| 53.Jagmoham Singh | 108.G.D.Nayyaar |
| 54.Anil Kumar Garg | 109.Sarjit Singh |
| 55.S.S.Koushik | 110.Kuldip Kumar |
| | 111.V.K.Gogna |
| | 112.Chittaranjan Mohan Grover |
| | 113.Arvind Gupta |
| | 114.Surjit Singh |
| | 115.Gian Chand |

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| 116. D.R.Sharma | 139.G.Baburao |
| 117. G.L.Negi | 140.V.Bhimeswararao |
| 118. Joginder Pal | 141.U.B.Rao |
| 119. Akhil Chourasiya | 142.N.S.Sathish |
| 120. G.K. Rana | 143.K.Channa Basavaiah |
| 121. Om Prakash Acharya | 144.Aswath Narayana |
| 122. M.C.Gangireddy | 145.G.R.Shankara Narayana |
| 123. B.Anjaneyulu | Shetty |
| 124. J.Nagarajaro | 146.N.Bhuvanendra |
| 125. K.Mallireddy | 147.S.Subbaram |
| 126. S.Jagannathan | 148.Asit Kumar Panda |
| 127. K.Jayaprakash Reddy | 149.B.Karibasappa |
| 128. C.Nagaraju | 150.A.R.Chandrasekhar |
| 129. Gandham Gopalakrishna | 151.B.Kashinath Shastri |
| 130. Lallan Ram | 152.P.V.Raghavendra |
| 131. Ashok Kumar Goyal | 153.G.T.Menghal |
| 132. A.Subaschandra Bose | 154.R.N.Choubhari |
| 133. B.Ramakrishna | 155.D.T.Vijayalakshmi |
| 134. V.Narasimha Rao | 156.B.J.Vijayakumar |
| 135. Nareshkumar | 157.Jayanna |
| 136. M.K.Dubey | 158.G.Guddappa |
| 137. V.Nagabhushanam | 159.Mohan M.Daddikoppa |
| 138. V.M.Reddy | 160.N.K.Shama Sundra |

.. Applicants.

VS

1. The Union of India, rep. by its Secretary, Min. of Planning and Programme, Implementation, Dept. of Statistics, Sardar Patel Bhavan, Sansad Marg, New Delhi.
2. The Secretary, Govt. of India, Dept. of Statistics, Min. of Planning, New Delhi.
3. The Director, National Sample Survey Organisation for the Operation Division (NSSO), Mail No.327, IIIrd Floor, 'C'Block, Pushpa Bhavan, Madangiri Road, New Delhi-110 062.

.. Respondents.

Counsel for the applicants : Mr.K.Muralidhar Reddy

Counsel for the respondents : Mr.K.Ramulu, Addl.CGSC.

CORAM:-

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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ORDER

Heard Mr.Laxminarayana for Mr.K.Muralidhar Reddy, learned counsel for the applicants and Mrs.Shyama for Mr.K.Ramulu, learned counsel for the respondents.

2. The short facts of this case are as follows:-

There are 160 applicants in this OA. They are Assistant Superintendents in the Field Operation Division, National Sample Survey Organisation, Government of India and they were promoted to that cadre some time after 1-1-86. A reference was made to the Board of Arbitration, Ministry of Labour, New Delhi in regard to the revision of scales of pay of Assistant Superintendents of the Field Operation Division of the National Sample Survey Organisation, Government of India from Rs.470-750/- to Rs.550-900/- w.e.f., 1-1-1978. That reference was disposed of by an order dated 5-1-89 (Annexure-IV at Page-37 to the OA). The following is the award passed by the Board of Arbitration:-

"The Assistant Superintendents of the FOD of the NSSO Government of India, shall be given pay at the existing scale of Rs.470-750/- plus a special pay of Rs.75/- per month. This special pay shall count as pay for all purposes as per rules."


It is stated that those who were working as Assistant Superintendents earlier to 1-1-86 were given the special pay as per the award of the Board of Arbitration. But the award was not given after the introduction of the 4th Pay commission scales of pay. The applicants submit that no benefit was given of the award to the applicants herein. The scales of pay of Rs.470-750/- was revised as Rs.1600-2660/- by the 4th Pay Commission. As per the Annexure-3-A attached to the rejoinder, the pay scales of Assistant Superintendents, F.O.D., N.S.S.O., and comparable cadres of



Govt. of India was issued. In that the Assistant Superintendents, FOD, NSSO were given the pay scale of Rs.545-825/- taking into account the special pay granted to them. But a reading of that Annexure-3-A does not clearly indicate that the scales of pay of Rs.470-750/- was revised to Rs.545-825/-. When I questioned whether the scale was revised so, the learned counsel for the respondents could not give any reply in this connection even though that issue was specially projected in the earlier date of hearing. Hence, I am left with no assistance from the respondents' counsel in regard to the submission of the applicants to the effect that the scale of pay of Rs.470-750/- was revised as Rs.545-825/- in the 3rd Pay commission scales of pay. Be that as it may, it is not necessary now to go into the details in that connection in view of the direction to be given in this OA.

3. The learned counsel for the applicants submit that the scales of pay of Rs.470-750/- was revised in the 4th Pay commission scales of pay as Rs.1600-2660/-. The reported scale of Rs.545-825/- is to be fixed as Rs.2000-3500/- in the 4th Pay commission scales of pay. If the 4th Pay commission scales of pay Rs.2000-3500/- is to be translated in the 5th Pay commission scales of pay then it should be in the scale of pay of Rs.6500-10,500/-. At present they are fixed in the scale of pay of Rs.5000-8000/- which is not correct.

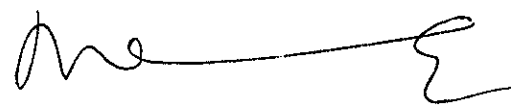
4. The award was given by the Board of Arbitration way back in the year 1989. However in the 4th Pay commission scales of pay the applicants have not been given the scale of Rs.2000-3500/- as submitted by them now. In that event they should have immediately questioned the reason for fixing them in the scale of pay of Rs.1600-



2660/- in the 4th Pay commission scales of pay. But it looks no efforts had been taken in this connection though the applicants submit that they went on representing their cases. But such representations beyond a point cannot be accepted and they should have approached the proper judicial forum if their grievances were not redressed. Now that the 5th Pay commission scales of pay had already come into force it will be too late to give any direction in this connection. The Government has formed Anomalies Committee to look into the various discrepancy that are pointed out in the 5th Pay commission scales of pay. Hence, the applicants may, if so advised approach the authorities concerned for redressal of their grievances as expeditiously as possible. The applicants are at liberty to approach this Tribunal if they are aggrieved in the redressal of their grievances by the respondents.

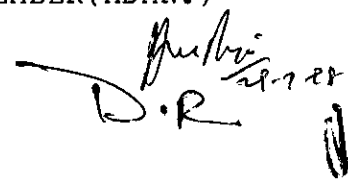
5. The learned counsel for the applicants also submitted that the case may be disposed of at this stage permitting them to approach the Government for referring their cases to the anomaly's committee. It is for the applicants to take suitable action in this connection and hence there is no further order is necessary at this juncture.

6. In view of what is stated above, the OA is disposed of with no order. No costs.



(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 28th July, 1998.
(Dictated in the Open Court)



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