

FORM NO . 21

(Sec. Rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH. HYDERABAD.

O.A. No.

1283/

1997

G. S. L. Rao

Applicant(s)

Versus

The Secretary, n/o Defense Production & Supplies,
N. Delhi 4 etc

Respondent(s)

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Signature of dealing Head
in Record Section.

Signature of S.O.

04 1283/97

- 2 -

Date

Office Note

ORDER

20.1.99,

At the request of the
applicant's counsel
list - it - is on
29.1.99. no further
adjournment will be
given.

R
H B S P

M(J)

HARRN

M(J)

SSJ

5/2/99:

List on 8/2/99.

R

H B S P
M(J)HARRN
M(J)

SSJ

2/3/99

List tomorrow.

R

H B S P
M(J)HARRN
M(J)SSJ 8-3-99.

At the request of the applicant's
counsel, list on 8/3/99. No further adjournment
will be given.

R
H B S P
M(J)HARRN
M(J)

Central Administrative Tribunal Hyderabad Bench: Hyderabad.

D.A.No. 1283 of 1997.

G. Siva Prasad Rao Applicants(s).

VERSUS.

The Secy. min. of Defense Production
and supplies & cons.

(Respondents).

Date	Office Note	ORDER
------	-------------	-------

30-9-97.

Heard Mr. K. Venkateswara

Rao for the applicant. ~~for the~~
Mrs. Syama for Mr. K. Ramulu for
the respondents.

Admit. Expedite.

Jai
HBSP
M(C)

✓
HRRN
M(B)

List it on 7/1/99.

HBSP
M(C)

HRRN
M(A)

8/1/99

At the request of the Applicant's
Counsel, list it on 19/1/99.

HBSP
M(C)

HRRN
M(B)

OP

302

6/1/99

Admit
1/10/97.
Issued
12/9/1997

OA.1283/99

3

9-3-99.

At the request of the applicant's
counsel, list it tomorrow. No further
adjournment will be given.

10/3/99

Jr
HBSP
MLT)

N
HRRN
MLT)

List on Monday i.e., 15/3/99.

Jr
HBSP
MLT)

N
HRRN
MLT)

on

19.3.99

O.A. disposed off. No costs.
Order in separate sheets.

Jr
HBSP
MLT)

N
HRRN
MLT)

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: SECHHYDERABAD.

ORIGINAL APPLICATION NO. 1283 OF 1997.

G. Siva prasad

(Applicants(sS))

VERSUS

Union of India, Repd., By.

The Secretary, Min. of Defence Production and
Supplies, New Delhi 110 201.

Respondents(sS(S))

The Application has been Submitted to the Tribunal by Shri K. Venkateswara Rao Advocate/Party in person. Under Section 19 of the Administrative Tribunal Act, 1985 and the same has been scrutinised with reference to the points mentioned in the check list in the light of the provisions in the administrative Tribunal (procedure) Rules 1987.

The application is in order and may be listed for Admission No. _____

Scrutiny Asst.

DEPUTY REGISTRAR (JUDL).

18. Is the application accompanied IPO/DD, for Rs.50/-.
19. Have legible copies of the annexure duly attested been filed.
20. Has the applicant exhausted all available remedies.
21. Has the Index of documents been filed and pagination done properly.
22. Has the declaration as required by item No. 7 of form, I been made.
23. Have required number of envelopes (five six) bearing full addresses of the respondents been filed.
24. (a) Whether the relief sought form arise out of single cause of action.
25. (b) Whether any interim relief is prayed for,
26. In case an Ma for condonation of delay in filed, it supported by an affidavit of the applicant.
27. Whether it is cause can heard by a single bench.
28. Any other points.
29. Result of the scrutiny with initial of the scrutiny clerk.
30. May be filed

22/9/93
Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

ON 1783/97

Dairy No.

Report in the Scrutiny of Application.

Presented by Mr. K. Venkateswara Rao Date of presentation. 19.9.97

Applicant(s) G. Siva Prasada Rao

Respondent(s) The Secretary, Min. of Defence Production and Supplies, N. Delhi

Nature of grievance Revision of Pay Scales

No. of Applicants 1 No. of Respondents 3

CLASSIFICATION.

Subject.....No. Department Defence (NO)

1. Is the application in the proper form, (three complete sets in paper books form in the two complitions). 43
2. Whether name description and address of all the parties been furnished in the cause title. 43
3. (a) Has the application been fully signed and verified. 43
(b) Has the copies been duly signed.
(c) Have sufficient number of copies of the application been filed. 43
4. Whether all the necessary parties are impleaded. 43
5. Whether English translation of documents in a Language, other than English or Hindi been filed. -
6. Is the application on time, (see section 21) 43
7. Has the Vakalatnama/Memo of appearance/Authorisation been filed. 43
8. Is the application maintainability. (U/S 2, 14, 18, or U/R. 8 Etc.,) 43
9. Is the application accompanied, duly attested legible copy been filed. 43

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BRANCH: HYDERABAD

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O.A. NO. 1283 of 1997.

CAUSE TITLE

G. Siva Prasad

V E R S U S

The Secy. in'c. of Defense Production
and supplies & etc

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T. Reply statement filed by Mr.
K. Ramulu on 6/1/98

8. Retainer filed by Mr. K. Venkatesh
Nare Rao on 9/1/98

C. A. Reply statement filed by Mr. K. Ramulu
on 9/1/98
1/6/98

Reg. - To declare that the applicant is entitled to the pay scale of Rs 2375-3750 w.e.f. the date of his promotion as J.S.O from 2.7.1991.

Bench case IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT :: HYDERABAD

O.A.NO. 1283 OF 1997

Revision of Pay Scale

Defence (B)

Between:

G. Sivaprasada Rao

... APPLICANT

a n d

Union of India, represented by its Secretary,
Ministry of Defence Production and Supplies
South Block, New Delhi.

... RESPONDENTS

DEFENCE

CHRONOLOGICAL EVENTS

S.No.	Particulars	Pg.Nos.
1.	The Applicant was appointed as S.S.A. on 9.6.1988.	2
2.	Promoted as J.S.O. on 1.4.1991.	2
3.	Arbitration award is dated 12.8.95.	2
4.	O.A.No.883/89 disposed on 24.9.91.	2
5.	The applicant filed O.A.No.152/97, and it was disposed of on 17.2.1997.	4
6.	The impugned letter is dated 20.3.97.	5

K. Ven Katarwanan

Counsel for the Applicant



APPLICATION FILED UNDER SEC.19 OF THE ADMINISTRATIVE
TRIBUNAL'S ACT, 1985

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT :: HYDERABAD

O.A.NO. 1783 OF 1997

Re

I N D E X

S.No.	Description of the Documents	Pg.Nos.	A.Nos.
1.	APPLICATION	1 to 6	
2.	No.4372/72/DGAQA/Adm(GP-II) dated 20.3.1997.	7 to 8	1.
3.	Representation of the applicant dated 28.2.1997.	9	2.
4.	Order in O.A.No.152/97, dt.17.2.97	10 to 12	3.
5.	Memorandum No.9(10/85/D(ECC/IC)/1, dated 11.11.1988.	13 to 14	4.
6.	Order in O.A.No.883/89, dt.24.9.91.	15 to 20	5.
7.	No.PC to MF/3845/DIDSP(A&R)/Admin-I/ 524/LC/D(C.V.I), dt.14.8.92.	21	6.
8.	No.96574/JSO/PC/RD/pers-3/136/S/D(R&D), dated 11.6.1996.	22 to 23	7.

K Venkateshwar Rao
Counsel for the Applicant

FOR OFFICE USE ONLY:

1. Date of Filing :
2. Registration No. :

Signature of the Registrar.

16

4-1-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT :: HYDERABAD

O.A.NO.

1783

OF 1997

Between:

G.SIVA PRASADA RAO, S/o.G.Koteswara Rao,,
aged about 37 years, Junior Scientific Officer,
in the O/o.the Chief Resident Inspector,
Directorate General, Aeronautical Quality,
Assurance, Ministry of Defence Care of Hindustan
Aeronautics Ltd., P.O.Balanagar, Hyderabad-42.

... APPLICANT

A N D

1. Union of India, represented by its Secretary,
Ministry of Defence Production and Supplies
South Block, New Delhi.
2. The Director General, Aeronautical Quality
Assurance, Ministry of Defence H.Block,
DHQPO (Delhi Head Quarters Post Office),
New Delhi - 110 011.
3. The Chief Resident Inspector, DGAQA,
Ministry of Defence HALPO, Hyderabad-42. ... RESPONDENTS

DETAILS OF THE APPLICATION

1. Particulars of the Applicant: Shown as above
Address for services : Mr.K.Venkateswara Rao,
Advocate, 2-2-1136/3/1,
Jayalaxminivas,
New Nallakunta, Hyderabad.
2. Particulars of Respondents : Shown as above
3. Particulars of the Order:-
1. Order No. & Date : 4373/72 / DGAQA / Adm (20-11) 1770/97
2. Subject in brief : Benefit of scale Rs 2375-3750
4. JURISDICTION: The O.A. is within the jurisdiction U/s.14 of
the Administrative Tribunal's Act, 1985 as the applicant is
working within the State of Andhra Pradesh.
5. LIMITATION: The O.A. is within the limitation U/s.21 of the
Administrative Tribunal's Act, 1985.

6. FACTS OF THE CASE:

(A) The Applicant is aggrieved by the impugned action of the
Respondents in not granting and extending the benefit of scale of
Rs.2375-3750 applicable to the Junior Scientific Officers of DRDO
from the date of his promotion as Junior Scientific Officer on
2.7.1991 on the untenable ground that though the V Central Pay
Commission has recommended Higher (Prerevised) Pay scale for
J.S.Os. of DGAQA (Director General Aeronautical Quality
Assurance) at par with that admissible to JSOs of DRDO (Defence

Research Development Organisation), the acceptance of the pay commission's recommendation by the Government is awaited which is illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution besides being opposed to all canons of equity, justice and fair play.

(B) The Applicant submits that he belongs to S.T. community and was originally appointed as Senior Scientific Assistant (S.S.A.) in D.G.A.Q.A. erstwhile D.T.D&P (AIR) (Directorate of Technical Development and Production (AIR) with effect from 9.6.1988 in the then scale of Rs.1640-2900. The probation of the applicant was declared and he was confirmed in the said cadre on 1.4.1991. The applicant was later promoted as Junior Scientific Officer from 2.7.1991 in the scale of Rs.2000-3500. The applicant submits that ever since his appointment he has been discharging his duties faithfully and sincerely to the utmost satisfaction of the superiors without any complaints.

(C) The Applicant submits that originally there was only one service called Defence Science Services (D.S.S.) comprising R&D (Research and Development), D.G.I. (Director General Inspection) and D.T.D&P (AIR) (Directorate of Technical Development and Production (AIR)) with common seniority. The above said Defence Science Services were trifurcated during the year 1979 as D.R.D.O., D.G.I., D.T.D&P (AIR). Even though the trifurcation took place, in 1979, the service conditions of the three units are one and the same. However each unit has its own separate seniority lists after trifurcation.

(D) The Applicant submits that there was an anomaly relating to pay structure between foremen and senior Scientific Assistants. Therefore the matter was referred to Arbitration Board which passed the award on 12.8.1985 extending the scale of Rs.840-1040 to the S.S.As. However the S.S.As. working in the unit of D.T.D&P (AIR) were not given the benefit of scale of Rs.840-1040 on par with the S.S.As. working in other two units. Aggrieved by this the applicant along with others working as S.S.As. in D.T.D&P (AIR) filed O.A.No.883/89 before this Hon'ble Tribunal and the

said O.A. was disposed of on 24.9.1991, wherein it was directed that the Senior Scientific Assistants of the D.T.D. and P (AIR) also should get the benefits of the Award in the same manner as the senior Scientific Assistants of the other units in the Ministry of Defence. The said judgement was implemented extending the scale of Rs.840-1040 to the S.S.As. working in D.T.D&P (AIR) on par with S.S.As. in other two units as can be seen from Lr.No.PC to M.F.3845/Admn-I/524-LC/D.T.D & P(AIR) dated 14.8.1992 issued by the first respondent. It is relevant to submit that the said scale of Rs.840-1040 was revised to Rs.2375-3500 by the IV Pay Commission from 1.1.1988 as can be seen from Office Memorandum No.9(1)/85/D.(ECC/IC)/1, dated 11.11.1988 issued by the first respondent. It is pertinent to submit the next promotional avenue to S.S.As. is Junior Scientific Officer which is in the scale of 2000-3500 (Group-B Gazetted). It is thus clear that the scale of lower post namely S.S.A. is Rs.2375-3500, with effect from 1.1.1988 while the higher post of J.S.O. is continued in the scale of Rs.2000-3500. This anomalous situation was challenged by the J.S.Os. of D.R.D.O. in O.A.No.912/93 before the Principal Bench of CAT New Delhi which was disposed of on 24.11.1995 declaring that the Junior Scientific Officers are entitled to be given a pay scale higher than the pay scale from which they were promoted. It was also directed that in respect of 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 feedre category posts from which they were promoted from 1.1.1986. The Hon'ble Tribunal also directed that in respect of all the applicants, they would be entitled to the arrears from the date of judgement. In pursuance of the judgement the first respondent issued Lr.No.96574/J.S.O./PC/RD/Pers-3/136/S/D(R&D) dated 11.6.1996 granting the pay scale of Rs.2375/3750 in lieu off 2000-3500 to the erstwhile J.S.Os. of Defence Research & Development Organisation notionally with effect from 1.1.1986 or from the date of promotion to the post of J.S.O. which ever is later and the arrears will be admissible with effect from 8.11.1995.

However the same benefit of higher scale of Rs.2375-3750 of J.S.Os. of D.R.D.O. was not extended to J.S.Os. of D.T.D&P (AIR) including the applicant. The applicant had therefore filed O.A.No.152/97 on the file of this Hon'ble Tribunal for extending the scale of Rs.2375-3750 from the date of his promotion as J.S.O. with arrears. The Hon'ble Tribunal disposed of the said O.A. on 17.2.1997 with observation that as his representations are still pending, the same may be disposed of in accordance with law within a period of 3 months with a copy of the order. The applicant while enclosing the copy of the aforesaid judgement with copy o O.A. made a representation to the second respondent on 28.2.1997 for fixing his pay in the pay scale of Rs.2375-3750 in line with the spirit of judgement given by the Hon'ble Tribunal in his O.A.

(E) While so it is strange that the second respondent issued Memorandum No.4373/72/D.G.A.QA/Admn(GP-II) dated 20.3.1997 addressed to one Sri P.Gangadhar J.S.O. referring to judgement dated 17.2.1997 in O.A.No.152/97 filed by the Applicant that the V Central Pay Commission has recommended a higher prerevised pay scale for J.S.Os. of D.G.A.Q.A. on par with admissible to J.S.Os. of D.R.D.O. and the acceptance of the said recommendations by the Government is awaited and as and when the said recommendation is accepted action will be taken to implement the same. A copy o the said letter was marked to the applicant and all the J.S.Os. in D.G.A.Q.A.

(F) The applicant submits that he filed O.A.No.152/97 for extending the benefit of scale of Rs.2375-3750 from the date of his promotion as J.S.O. on par with J.S.Os. of D.R.D.O. The Applicant is legally entitled for the above said scale of Rs.2375-3750 from the date of his promotion with consequential benefits. However instead of acceding to the request of the applicant, the second respondent has unjustly issued letter dated 20.3.1997 tagging his case with the acceptance of the recommendation of the V Pay Commission by sort, which is not relevant to the issue in question. It is pertinent to submit that the V Central Pay Commission in its report para 63.276 has

recommended "that Group B and C Scientific, Technical and Design Staff in the D.T.D&P(AIR) are structured on the same pattern as their counter parts in the D.G.Qa. and the recommendations for the scientific, Technical, and designations of the D.G.Q.A. will equally apply to similar personnel in the D.T.D&P (AIR)." Further the pay commission vide para 63.263 recommended that the Group B&C scientific and Technical personnel & D.G.Q&A are structured on the lines of similar posts in D.R.D.O. It is thus obvious that the pay Commission has treated all the group B&C personnel in all the three units on par for purpose of pay scales". Thus it is clear that his request for the benefit of scale of Rs.2375-3750 from the date of his promotion as J.S.O. was not conceded to by the respondents without any justification which is violative of Articles 14 and 16. The applicant is therefore constrained to approach this Hon'ble Tribunal as he has no other effective, alternative remedy.

7. REMEDIES EXHAUSTED: - The Applicant has no other effective, alternative remedy except to approach this Hon'ble Tribunal.

8. MATTERS NOT PREVIOUSLY FILED OR PENDING:- The Applicant has not filed any other D.A./W.P. in this regard and such a case is not pending in any court or authority of law.

9. MAIN RELIEF:- It is therefore prayed that this Hon'ble Tribunal may be pleased to declare that the applicant is entitled to the pay scale of Rs.2375-3750 with effect from the date of his promotion as Junior Scientific Officer from 2.7.1991 with all consequential benefits including the benefit of higher revised scale recommended by the V Pay Commission, on acceptance by holding the action of the respondents in not conceding to his just claim vide Lr.No.4373/72/DGAQA/Adm(GP-II) dated 20.3.1997 issued by the Directorate General of the Aeronautical Quality Assurance Ministry of Defence, New Delhi is as illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution and also opposed to all canons of equity, justice and fair play and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

10. INTERIM RELIEF: It is therefore prayed that this Hon'ble Tribunal may be pleased to direct the respondents to consider the case of the applicant for extension of the scale of 2375-3750 to forthwith and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

11. COURT FEE:

I.P.O. No. & Date :

Name of the P.O. which drawn :

12. ENCLOSURES:

IPD. Material Papers, Covers, Pads & etc.

VERIFICATION

I, G.Sivaprasada Rao, S/o. G.Koteswara Rao, aged about 37 years, Junior Scientific Officer in the O/o.the Chief Resident Inspector Directorate General, Aeronautical Quality Assurance, Ministry of Defence Care of Hindustan Aeronautics Ltd., P.O. Balanagar, Hyderabad, do hereby verify that the contents in the above paras 1 to 6 are true to my personal knowledge and paras 7 to 12 are true to legal advice from my counsel and I have not suppressed any material facts.

Hyderabad,

Dated :

Counsel for the Applicant

Signature of the Applicant

8 12 229 729 10 25/97
1c acheda
Kacheguda H60
1 Rs. 50/-
IPD. Material Papers, Covers, Pads & etc.

REGISTERED

No. 4372/72/DGAQA/Adm(GP-II)

Directorate General of

Aeronautical Quality Assurance

Min of Def, 'H' Block,

New Delhi the 20 Mar, 1997

MEMORANDUM

Subject: REVISION OF PAY SCALES OF JSOs

Reference Shri P. Gangadhar's application dated 11 July, 1996 on the above mentioned subject forwarded by OCRI, Hyderabad vide their letter No. CRI/HAL/001-002/ADMIN dated 12 July, 1996, and Hon'ble CAT, Hyderabad's order of 17-2-97 in CA No. 152 of 1997.

2. The case of pay revision of JSOs has been considered. The Fifth Central Pay Commission has recommended a higher (pre-revised) pay scale for JSOs of DGAQA at par with that, admissible to JSOs of DRDO. The acceptance of the Pay Commission's recommendations by the Govt. is awaited. As and when this specific recommendation in respect of JSOs is accepted, action will be taken to implement the same.

(D.S. DAHIAAR)

Asstt. Director(Adm)

for Director General, Aeronautical Quality Assurance

Tele: 301 6380

To

Shri P. Gangadhar, JSO

Through

The Chief Resident Inspector,
DGAQA, Min of Def,
Govt. of India, C/o HAL,
HAL P.O. HYDERABAD - 500 042

Copy for information to:-

i) All the JSOs in DGAQA

Shri G. S. Rana, JSO

Contd...2/-

From

G. Siva Prasada Rao, JSO,
OCRI, DGAQA,
Ministry of Defence,
Government of India,
C/O:HAL, HAL P.O.,
HYDERABAD-500 042.

To

The Director General,
D.G.A.Q.A.,
Ministry of Defence,
'H' Block, DHQ P.O.,
NEW DELHI-110011.

(Through proper channel)

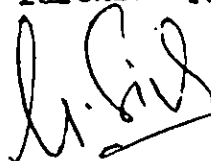
Respected Sir,

Subject: FORWARDING OF CAT HYDERABAD BENCH JUDGEMENT
O.A. NO.152/97 Dt.17.02.1997.

Enclosed please find a copy of CAT Hyderabad Bench, Judgement O.A. No.152/97 dt.17.02.97. It is requested that an early action may please be taken to fix my pay in the pay scale of Rs.2375/- - 3750/- in line with the spirit of Judgement given by the CAT Hyderabad Bench on my O.A. (enclosed).

Thanking you Sir, in anticipation of favourable response.

Yours faithfully,



(G.SIVA PRASADA RAO) JSO

Dt. 28 Feb'97.

Encl: CAT Judgement with O.A.

ATI Annex: II 14
09

Annex II 15

0-10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 152/97

DATE OF ORDER : 17-02-1997.

Between :-

G. Siva Prasada Rao

... Applicant

And

1. Union Govt. of India rep. by its
Secretary, M/o Defence Production
& Supplies, South Block,
New Delhi.
2. The Director General,
Aeronautical Quality Assurance,
M/o Defence,
'H' Block, DRDO PC,
New Delhi - 110 011.
3. The Chief Resident Inspector,
CGMAA, M/o Defence,
BAL PI, Hys-Su00042.
4. The Director General,
DRDC, M/o Defence,
New Delhi.

... Respondents

Counsel for the Applicant : Sri G. Siva Prasada Rao
(party-in-person)

Counsel for the Respondents : Sri K. Ramulu, Sr. CGSC

COMMISSION:

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

THE HON'BLE SHRI G. S. DAI PARMESHWAR : MEMBER (B)

(Order per Hon'ble Shri R. Rangarajan, Member (A)).

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- 2 -

(Order per Hon'ble Sri R. Rangarajan, Member (A)). ;

Heard Sri G. Siva Prasada Rao, party in person and
Mrs. Majula for Sri K. Ramulu, learned standing counsel for the
respondents

2. The applicant is a Junior Scientific Officer working
under the Respondent No. 3 at Hyderabad. He submits that his pre-
sent scale of pay is Rs. 2,000--3500. He submits that in accordance
with the letter No. 96574/JSL/PC/RO/Pers-3/136/S/D (R&D)
dt. 11-6-96 (Annexure-X1, page 47 to the OA) his pay should be fix
in the grade of Rs. 2375-3750 right from the date he was promoted as
a Jr. Scientific Officer and arrears from that date has to be
given to him. The applicant submitted representation dt. 11-7-96
addressed to Respondent No. 2 in that connection. ^{Ms 1-} ~~These~~ represen-
tations ^{was} ~~were~~ forwarded by the Respondent No. 3 to Respondent No. 2
by letter ~~through letter~~ No. ORI/HAL/HD/001-002/ADMIN dt. 12-7-96
and reminder was also issued by Respondent No. 3 by letter No. ORI
HAL/HD/001-002/ADMIN dt. 23-10-96.

3. This O.A. ⁻² is filed for the above relief as indicated
above.

4. Though his representation ^{was forwarded} ~~and the forwarding letters~~
~~of his case~~ by the Respondent No. 3 to Respondent No. 2 ^{these letters} are not
enclosed as Annexures to this O.A., ^{was} ~~the same was~~ produced today
when we asked the applicant on 13-2-97 to produce those repre-
sentations. As those representations are still pending, it is in ^{order} ~~in~~
if we ~~direct~~ give a direction to respondent No. 2 to dispose of
that representation in accordance with the law within a period

9-12

17

two months from the date of receipt of a copy of this order.

The representation and the forwarding letters of the representation as indicated above were taken on record.

5. The O.A. is ordered accordingly at the admission stage itself. No costs.

6. Registry should send copy of the O.A. along with enclosures to Respondent No.2.

17

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

Rushin Dhanu Datta

न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायापीठ
HYDERABAD BENCH

(14)
No.9(1)/85/D(ECC/IC)/1

Government of India
Ministry of Defence

New Delhi, the 11th November, 1988.

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OFFICE MEMORANDUM

Subject : Fitment of non- industrial workers in pay scales recommended by the 3rd Central Pay Commission.

The undersigned is directed to say that with reference to CA No. 9 & 10 of 1983, the Board of Arbitration had recommended that Senior Scientific Assistants(SSAs) may be given the Third Pay Commission's scale of Rs.840-1040 in the same proportion as that obtaining on the date of the award between Foreman and Assistant Foreman in the concerned organisations, ie, DRDO and DGI. The Government have accepted this award. Accordingly, I am directed to convey the sanction of the President to the upgradation of the posts of Senior Scientific Assistants in DRDO and DGI to the extent given as under :-

(i)	Existing Scale (ii)	Revised Scale (iii)	No. of posts of SSAs to be given the scale in Col (iii).	
			In DRDO	in DGQA
As per 3rd Pay Commission's Report	Rs.550-900	Rs.840-1040	822	101
As per 4th Pay Commission's Report	Rs.1640-2900	Rs.2375-3500		

The detailed calculations of posts that have been upgraded on the basis of the award of the Board of Arbitration are given in the Annexure. The Recruitment Rules shall be amended suitably in due course.

2. These orders will take effect from 1-1-1988.

3. The expenditure involved shall be debitable to the respective heads of Defence Services Estimates.

Cont'd. on 2/-

15

19

G-14

-2-

This issues with the concurrence of the Ministry of Defence (Finance Division) vide their inter-Departmental No. 1859/Dir, AF(EQPT) dated 11-11-1988.

Sd/-xxxxxxx
(T. TIRKEY)
DEPUTY SECRETARY TO THE GOVT OF INDIA
TELE NO. 3015040

To :

The SA to RM

The Director General, QA

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DADS, New Delhi - 2 copies

Dy. Director of Audit Defence Services - Calcutta/Pune/
Meerut/Dehradun/Patna (2 copies each)

All Controllers of Defence Accounts (Signed in ink).

RD/DOP

DGQA/Adm-7B

O.A.NO.883/89.

Date of Judgment 24.9.1991.

1. S.J.Sathe
2. G.Ramachandran
3. P.Surendra Nath
4. C.K.Balakrishnan
5. G.Siva Prasad Rao
6. T.Satyanaryana
7. P.Gangadhar
8. Ratan Singh
9. Mohan Singh
10. Poruri Rama Rao,
11. Mukul Mathur
12. R.L.Prajapathi
13. S.Giridhar Rao.



... Applicants

Vs.

1. Union of India, rep. by its Secretary,
Ministry of Defence Production,
South Block,
New Delhi.
2. Director,
Technical Development & Production (AIR),
'H' Block,
New Delhi.

... Respondents

Counsel for the Applicants : Shri. V.J.Gayya Sarma / Adm. Sec.
Counsel for the Respondents : Shri. N.V.Ramana, Addl. CGSC.

CORAM:

Hon'ble Mr. J.Narasimha Murthy, Member(Judl.)

Hon'ble Mr.R.Balasubramanian, Member(Admn.)

Judgment as per Hon'ble Mr.R.Balasubramanian, Member(Admn)

This application has been filed by Shri S.J.Sathe and 12 others under section 19 of the Administrative Tribunals Act, 1985 against the Union of India, rep. by its Secretary, Min. of Defence Production, South Block, New Delhi and another.

2. The applicants are senior Scientific Assistants in the Directorate of Technical Development and Production (AIR), at Hyderabad. The applicants No.1 to 7 were promoted to the post of Junior Scientific Officers on temporary basis in July, 1988. The posts of Senior Scientific Assistants form a category of scientific staff under the Ministry of Defence. The Senior Scientific Assistants, working in the establishment of DID & P (AIR) are governed by SRO 217 published in the Gazette of India dated 5th August, 1972. The qualifications prescribed for the Senior Scientific Assistants are:

21

2

(i) Master's Degree in Science or equivalent or Degree in Engineering or equivalent with one year experience in the appropriate technical field, or

(ii) Bachelor's Degree in Science or Equivalent with 4 years experience in the field, or

(iii) Diploma in Engineering or equivalent with 4 years of experience in the ~~fixidxxx~~ appropriate Technical Field.

3. The Senior Scientific Assistants, working in DRDO are governed by SRO 213 of 68 dated 26.6.68. The qualifications prescribed for appointment as Senior Scientific Assistants Are:-

(i) Master's Degree with Science/Maths. or equivalent or Degree in Engineering with one year experience, or

(ii) B.Sc., with 4 years experience, or

(iii) Diploma in Engineering with 4 years experience, or

(iv) Bachelor's Degree in Library Science (one year duration after graduation) of a recognised University or Institute or equivalent qualifications with 3 years experience in the field of documentation, or

(v) Diploma in Photography/Commercial Art from recognised Institution.

4. The Senior Scientific Assistants, working in DGI are governed by SRO 100 dated 21.3.1964. The qualifications prescribed for appointment as Senior Scientific Assistants are M.Sc/B.Sc, (Hons) (3years course) in the required field of technology with one year experience in the field of work, or Diploma in Technology with 2 years experience.

(i) Degree in Engineering or equivalent with 2 years experience in the relevant field, or

(ii) Master's Degree in Science with 2 years experience in the relevant field, or.

(iii) Diploma in Engineering with 4 years experience in the relevant field, or.

(iv) Degree in Science with 4 years experience in the field. (SRO 270 dt. 4.10.85).

5. It is stated that all the 3 units namely: DTD & P (AIR) DRDO and DGI formed a single service for the posts, over and above senior Scientific Assistants and they were all governed by Defence Service Rules issued in SRO 51 dt. 25.1.1967. The lowest post in the Defence Science Service Rules is Junior Scientific Officer and this post has to be filled by promotion from non-gazetted Civilians/Scientific and Technical staff of the categories

specified in column 1 viz: Sr. Scientific Assistant, Foreman, Chief Draftsman and Senior Library Supervisors. The Senior Scientific Assistants could be from any of the 3 units namely: DTD & P (AI), DRDO and DGI. This position continued to be so till Defence Science Service Rules were trifurcated into 3 units namely:

- (i) Defence Research & Development Service (DRDS) under Defence Research Development Organisation),
 - (ii) The Defence Quality Assurance Service (DQAS) under the Directorate General of Inspection, and
 - (iii) Defence AERONAUTICAL Quality Assurance Service (DAQAS) under the Directorate, Technical Development & Production (AIR)
- Separate rules called Directorate of Technical Development & Production (AIR) Organisation, Ministry of Defence Group B Junior Scientific Officers Recruitment Rules, 1980 published vide SRO dt. 10th January, 1980 Defence Research & Development Organisation Junior Scientific Officers (Recruitment Rules, 1980) published vide SRO dt. 23rd February, 1980, Directorate General of Inspection (DGI) Organisation (Junior Scientific Officers) Recruitment Rules, 1981 were issued. Thus, the posts of Senior Scientific Assistants in all the 3 units viz: DREC, DGQA and DTA&P(AIR) were treated as a single unit, falling under the Defence Science Service. A common seniority roll was also prepared with the name SP Roles non gazetted staff. The list is maintained gradewise and subjectwise for confirmation and promotion to the Junior Scientific officer grade. The Senior Scientific Assistants working in all the three departments were interchangeable and intertransferable. In other words, all the Senior Scientific Assistants are entitled to be promoted as Junior Scientific officer in any of the wings.

6. When there was an anomaly relating to the pay structure, it was referred to arbitration. The award made on 12.8.85 by the Board consisting of Justice M.L.Jain, Chairman Shri. Bagaram Tulpule, Member, Staff side and Shri R.D.Thaper, Member, Official side refers to Scientific staff under the Ministry of Defence approximating to number 6,400. In the body of the award, they referred to Directorate of Technical Development & Production (AIR), (AAIW) to which category the applicants belong. The qualifications for appointment, the work allotment and above all, the chances of promotion were all common to the Senior Scientific Assistants working in all the 3 units. The total number of Senior Scientific Assistants in all the 3 units would only come to 6,400 and if the category to which the applicants belong, namely: DTD&P(AIR) is excluded, the number will not come to 6,400. Taking all the facts into consideration, the Board gave the award, stating that the demand of the Staff

23

: 4 :

(15)

of Pay scale of Rs. 840-1040 to Senior Scientific Assistants and Draftsman working in the Research & Development Organisation and Directorate General of Inspection (Ministry of Defence) is accepted. Taking advantage of the Directorate of Technical Development and Production the recommendation was not extended to the staff of DTD & P (AIR) Organisations.

Applicants and similarly placed candidates made a representation on dated 8.12.1988 for including them also in this scale. The contention that it covers all Senior Scientific Assistants and they cannot be excluded. However, the DTD & P (AIR) informed them that the matter was taken up with the Ministry of Defence and was turned down stating that the award given by the Board of Arbitration could be implemented only in respect of categories of establishments covered by the award. The applicants point out that senior officers of their organisation represented the cases of Senior Scientific Assistants before the Board of Arbitration and it would therefore indicate that they are also covered by the award. Moreover, the Board relied heavily on the Expert Committee headed by Justice Shri. K.C.Puri and would therefore simply that they are also covered.

8. It is further contended by the applicants that the Senior Scientific Assistants working in all the 3 units formed a single indivisible category and are eligible for promotion in all the 3 units. They are also borne on a common seniority roll and if a particular section like the applicants are to be excluded they should have been given notice for doing this. The applicants draw attention to T.A.No.18/87 of this Bench and hold that this is discrimination.

9. It is, therefore, prayed that the award made by the Board of Arbitration be extended to the applicants also and to treat all the Senior Scientific Assistants in the DTD & P (AIR) having been placed in the scale of Rs. 840-1040 in the same manner as the Senior Scientific Assistants of other wings of the Defence Ministry.

10. The respondents have filed a counter affidavit, and oppose the application. In the counter affidavit they give the background to the setting up of the Arbitration Board. It is ^{their} ~~their~~ case that after going through all the process the Board of Arbitration gave the award of the pay scale only to Scientific Staff of two arms i.e., R&D Organisation and DGI. In other words, the Board of Arbitration excluded the Senior Scientific Assistants of DTD & P (AIR) from this scale.

(21)

(19)

11. It is also contended that the award also signed by a Member, Staff side had already been approved by the Cabinet and implemented. It is pleaded that an award which has been approved by the Cabinet cannot be modified or amended or challenged in a Court of Law and any such modification/amendment can be carried out only with the approval of the Parliament.

12. It is also contended that the figure of 6,400 indicated in the award covers not only the Senior Scientific Assistants but also of all categories of Scientific Staff and they do not accept the claim of the applicants that the mere indication of 6,400 would indicate that the award should be applicable to them also.

13. We have examined the case and heard the learned counsel for the applicants and the respondents. The short questions before us are:

(a) Is the omission of the applicants from the award a conscious decision or a mere oversight.

(b) Whether any modification at this stage requires the approval of the Parliament as claimed by the respondents.

14. C.A. Reference No.9 was with reference to Scientific Staff in all the units including the DTD & P (AIR). C.A. Reference No.10 related to other non technical cadres like store keeping staff, Draftsmen and Drivers. Award 1(a) relates to Scientific Staff. The Scientific staff of the various units are interchangeable. Nowhere in the scrutiny of various aspects of the case Senior Scientific Assistants of the DTD & P (AIR) had been singled out to be excluded from the award. In Award 1(a) the demand of the Senior Scientific Assistants and Draftsmen working in the R&D Organisation and DGI have been accepted. The award is silent on DTD & P (AIR) in respect of both the cadres- Senior Scientific Assistants and Draftsmen. But the subsequent Award 1(c) is specified about the cadre of Draftsmen only. This portion says that the Draftsman working in other organisations of the Ministry of Defence is rejected. This may, by some imagination, be treated as excluding the Draftsman of the DTD & P (AIR) from the award. No conscious exclusion of the Senior Scientific Assistants of the DTD & P (AIR) has been made unlike in the case of the Draftsmen. It is, therefore, clear that the omission of the Senior Scientific Assistants of the DTD & P (AIR) in the award is purely unintentional and not the result of the careful application of the mind. The facts that the Member of the Staff side has

signed the award can only mean that he too had missed the essential aspect by oversight and this cannot be taken to mean that he had agreed to the exclusion of the Senior Scientific Assistants of the DTD & P (AIR) from the award. Besides, the other grounds raised by the applicants also appeal to us. For all these reasons we find that the Senior Scientific Assistants of the DTD & P (AIR) also should get the benefits of the award in the same manner as the Senior Scientific Assistants of the other units in the Ministry of Defence.

15. The respondents have raised the question of approval of the parliament. We find from a copy of the statement laid by the Hon'ble Defence Minister before the Rajya Sabha (R3) that it was necessary to obtain the approval of the parliament for making any modification to the award. We find from the note that the approval of the Parliament had to be obtained for changing the date of effect of the award. Such being the case, approval of the Parliament for filling in the omission in the award as in this case is also necessary.

VIEW *above*
16. In view of the *above*, we direct the respondents to initiate steps for extending the award to the Senior Scientific Assistants of the DTD & P (AIR) also by moving the Parliament at the next available opportunity for approval.

17. With the above directions we dispose of the application with no order as to costs.

Sd/- A.MOHAN KRISHNAIAH,
Deputy Registrar (Judl.)

CERTIFIED TO BE TRUE COPY
...*With Law...*...
Date...*18/11/19...*...
Court Officer
Central Administrative Tribunal,
Hyderabad Bench, Hyderabad.

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1. Secretary, Ministry of Defence Production, Union of India, New Delhi.
2. The Director, Technical Development & Production (AIR), 'H' Block, New Delhi.
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4. One copy to Mr. N.V.Ramana, Adll. CGSC. C.A.T. Hyd.
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6. One spare copy.

RSM/-

Case Number...*21/22/11*...
Date of judgment...*18/11/19*...
Copy made ready on...*18/11/19*...

26

AVI (21)

No. PC to MP 3845/DID&P (Air)/Admin-I/524-LC/D (Civ. I)
Ministry of Defence
New Delhi, the 14 August, 1992

CORRIGENDUM

Subject:- Fitment of non-industrial workers in pay scales recommended by the 3rd Central Pay Commission

1. The following entry is made in Col. A of this Ministry of number (2)/85/D(ECC/IC)/1 dt. 11.11.88 regarding fitment of non-industrial workers in pay-scales recommended by the 3rd Central Pay Commission relating to Senior Scientific Assistants:-


(i) in DTD&P(Air)

43

2. Accordingly, the following entries are made in the Annexure to OM cited above:-

(1)	(2)	(3)	(4)	(5)	(6)	(7)
DTD&P(Air) 19	26	45		19:26 (43% - 57%)	101	43

3. This issues with the concurrence of Ministry of Defence (Finance/Air) vide their u.o. No. 1213/P&W/AF dated 13.8.92.


(CA SURRAMANIAN)

Under Secretary to Govt. of India

To

The Director,
Technical Development and Production(Air)
Ministry of Defence, 'H' Block
New Delhi-110011

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6. All Controllers of Defence Accounts (signed in ink)
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8. DCSA/DOF
9. File No. 9(2)/85/D(ECC/IC)/1

GOVERNMENT OF INDIA
Ministry of Defence
Deptt. of Def. Res. & Dev.
New Delhi, the 11th June, 1996

To

The Director General
Defence Research & Development Orgn.
Ministry of Defence
NEW DELHI.

SUBJECT :- Revision of Pay Scale of Junior Scientific
Officers in Defence Research and
Development Organisation from 2000-3500 to
2375-3750.

.....

Sir,

I am directed to refer to Judgement dated 08 November 95 in OA 912/93 delivered by Central Administrative Tribunal, Principal Bench, New Delhi directing grant of a pay scale to erstwhile Junior Scientific Officers higher than the pay scale from which they were promoted.

2. In compliance with the above orders, I am directed to convey the sanction of the President to the grant of Pay Scale of Rs.2375-75-3050-EB-100-3750 in lieu of Rs. 2000-60-2300-EB-75-3200-100-3500 to the erstwhile Junior Scientific Officers of Defence Research and Development Organisation notionally with effect from 01.1.1986 or date of promotion to the post of Junior Scientific Officer whichever is later.

3. The arrears of pay as a consequence to the revision of pay scale as mentioned in para 2 will be admissible with effect from 08 November 1995.

4. The above revision of Pay Scale of erstwhile Junior Scientific Officers will not affect their placement already made under SRO 177/95 with effect from 26 August 95. However, option for this revised scale will be available as per Sub rule (B) at Rule 6 of SRO 177/95.

5. The option under the provision to Rule 5 of CDS (Revised Pay) Rules, 1986 shall also be available for drawal of Pay in the revised scale provided such option is exercised under Rule 6 of CDS (Revised Pay) rules 1986. Such option once exercised shall be final.

6. This issues with the concurrence of Ministry of Defence(Fin/R&D) vide their I.D.No. 1192/IF(R&D)/96, dt. 11th June, 1996. The proposal has also been seen and approved by Ministry of Finance vide their U.O.No.C-148/IC/96, dated 4th June 1996.

Yours faithfully,

(S.L. TRIPATHI)

UNDER SECRETARY TO THE GOVT OF INDIA

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through Director(MS)

/dk/

● ■ ● ● ● ● ● ● ● ●

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

AT HYDERABAD

O.A. NO.1283/ of 1997

Between

Shri G. Siva Prasada Rao

.... Applicant

And

Union of India
Rep. by its secretary
Min of Defence
Production & Supplies
South Block
New Delhi

Director General
Aeronautical Quality Assurance
Min of Defence
'H' Block, DHQ PO
New Delhi - 110 011

The Chief Resident Inspector
D.G.A.Q.A., Min of Defence
HAL PO, Hyderabad - 500 042

Director General
DRDO, Min of Defence
New Delhi

..... Respondents

REPLY STATEMENT FILED ON BEHALF OF ALL THE RESPONDENTS

I, V.K. Sachdev S/O Shri H.K. Sachdev Aged 46 years
occupation Govt. service R/O Hyderabad do hereby solemnly
affirm and state as follows:

I am fully acquainted with all the facts of the case and
filing this reply statement on behalf of the respondents as I
have been authorised to do so. The material averments in the
O.A. are denied save those that are specifically admitted
hereunder. The applicant is put to strict proof of all such
averments except those that are specifically admitted hereunder.

PARAWISE COMMENTS ON OA NO.1283 OF 1997 BETWEEN SHRI G. SIVA
PRASAD RAO, JSO AND UNION OF INDIA

PARAS

1. No comments.
2. No comments.
3. No comments.

ATTESTOR
K. B. REDDY.
Senior Scientific Officer
OCRI(M) DGAQA,
Min of Def.
C/o. Midhani, Hyderabad-58

DEPONENT

V. K. Sachdev
CHIEF RESIDENT INSPECTOR
ARI, DTD & P (AIR) Min of Def
C/o Midhani Kenchanta
HYDERABAD-500

4. No comments
5. No comments
6. (A) The DRDO and DGAQA (formerly known as DTD&P(Air)) are two separate organisations having their own PE and FRs Based on the Hon'ble CAT judgement in OA 912/93, the Govt, had sanctioned a higher pay scale of Rs.2375-3750 in place of Rs.2000-3500 to JSOs in the DRDO wef 01-01-86 or date of promotion to the post of JSO, if later, but the arrears were allowed w.e.f. 08 Nov, 95 only. The Govt orders to this effect were issued vide letter No.96574/JSO/PC/RD/Pers-3/136/S/D(R&D) dated 11 Jun 96 (Annexure R-I). As a consequence to these orders, a proposal was initiated for revision of the pay scales of JSOs of DGAQA at par with the DRDL. Since the time of the proposal coincided with the submission of the report by the 5th CPC, the consideration of the case was deferred till the acceptance of the recommendations by the Govt. The Vth CPC have since recommended the higher (replacement) pay scale of Rs.7500-12000 for JSOs of DGAQA, at par with that admissible to corresponding posts in the DRDO & DGAQA, subject to certain conditions. This has been implemented w.e.f. 1-1-96.
- (B) No comments.
- (c) Not relevant to the issue.
- (D) Necessary action for the upgradation of the scale of the JSOs was in fact considered, but it was felt more appropriate to await the outcome of the 5th CPC. The 5th CPC have recommended a higher scale for JSOs and the same has been implemented w.e.f. 1-1-96.
- (E) There is nothing strange in communicating to the JSOs of the Dept on a related development in the form of 5th CPC recommendations as a likely solution to the issue.

...3

ATTESTOR
K. R. Reddy 6/12/97
K. R. REDDY.
Senior Scientific Officer-6
OCRI(M) DGAQA,
Min of Def.
C/o. Midhani, Hyderabad-58

DEPONENT
C. Z. Sachdev
CHIEF RESIDENT INSPECTOR
DRD & P (AIR) Min of Def.
C/o Midhani Kanchanbagh,
HYDERABAD-500278

(F) The position of the case is given in detail at (A) above.

Even the JSOs of DRDO (for parity with who the issue was raised) are given financial benefits from 8-11-95 only.

7. No comments.
8. No comments.
9. The relief sought is not in order in view of the position explained above (6 A&F). Also, claim of higher pay scales of JSOs at par with DRDO before 1-1-96 is not justified because DRDO is a different organisation who have only implemented a judicial decision for higher pay scale for their JSOs. Moreover, the 5th CPC recommendations for a higher scale for the JSOs including those of DGACA, would meet the requirement materially when implemented. The JSOs of DGACA has been given the higher pay scale as recommended by the CPC w.e.f. 1-1-96.
10. No interim relief is due and called for keeping in view the detailed position brought in paras 6(A) and 9 above.

It is, therefore, prayed that this Hon'ble Tribunal be pleased to dismiss the O.A. in view of the above stated.

Solemnly and sincerely affirmed
this 16th day of December, 1997
and he signed his name in my presence

Before me.

DEPONENT

L. K. Sachdev

CHIEF RESIDENT INSPECTOR
OCRI, DTD & P (AIR) Min of Def.
C/o Midhani Kancharbagh,
HYDERABAD-500 238

ATTESTOR

K. R. REDDY, 16/12/97

K. R. REDDY.

Senior Scientific Officer

OCRI(M) DGACA,

Min of Def.

C/o. Midhani, Hyderabad-58

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The JCDA(R&D), Bangalore.
The JCDA(R&D), Madras.
The JCDA(R&D), Chandigarh.

Copy also to : Leader/Secretary Staff Side JCM-III Level
 through Director(MS)

/ok/

(Amended R-1) 32
AVII (22) 6-11

No.96574/JSO/PC/RD/Pers-3/136/S/D(R&D)
GOVERNMENT OF INDIA
Ministry of Defence
Deptt. of Def. Res. & Dev.
New Delhi, the 11th June, 1996

To

The Director General
Defence Research & Development Orgn. -
Ministry of Defence
NEW DELHI.

SUBJECT :- Revision of Pay Scale of Junior Scientific
Officers in Defence Research and
Development Organisation from 2000-3500 to
2375-3750.

.....

Sir,

I am directed to refer to Judgement dated 08 November 95 in OA 912/93 delivered by Central Administrative Tribunal, Principal Bench, New Delhi directing grant of a pay scale to erstwhile Junior Scientific Officers higher than the pay scale from which they were promoted.

2. In compliance with the above orders, I am directed to convey the sanction of the President to the grant of Pay Scale of Rs.2375-75-3050-EB-100-3750 in lieu of Rs. 2000-60-2300-EB-75-3200-100-3500 to the erstwhile Junior Scientific Officers of Defence Research and Development Organisation notionally with effect from 01.1.1986 or date of promotion to the post of Junior Scientific Officer whichever is later.

3. The arrears of pay as a consequence to the revision of pay scale as mentioned in para 2 will be admissible with effect from 08 November 1995.

4. The above revision of Pay Scale of erstwhile Junior Scientific Officers will not affect their placement already made under SRO 177/95 with effect from 26 August 95. However, option for this revised scale will be available as per Sub rule (B) at Rule 6 of SRO 177/95.

The option under the provision to Rule 5 of CDS (Revised Pay) Rules, 1986 shall also be available for availing of Pay in the revised scale provided such option is exercised under Rule 6 of CDS (Revised Pay) rules 1986. Such option once exercised shall be final.

This issues with the concurrence of Ministry of Defence(Fin/R&D) vide their I.D.No. 1192/IF(R&D)/96, dt. 4th June, 1996. The proposal has also been seen and approved by Ministry of Finance vide their U.O.No.C-148/IC/96, dated 4th June 1996.

Yours faithfully,

(S.L. TRIPATHI)
UNDER SECRETARY TO THE GOVT OF INDIA

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD

DA NO 1283/97

Between

Q. Siva Prasada Rao

vs

Union of India

Rep by its Secretary
Minister of Defence
production & Supplies
South Block new delhi & others

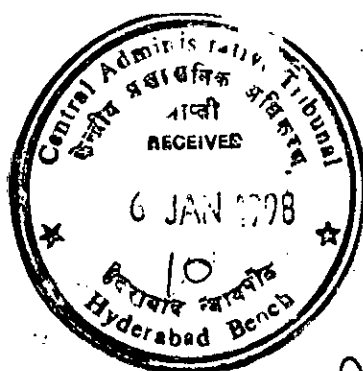
Reply Statement filed

Memo filed

filed on : 6/1/97

filed by : Konireddi

Ramulu
Addl. Secy



may be filed
6/1/98

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT :: HYDERABAD

O.A.No. 1283 of 1997

Between:-

Sri G.Siva Prasada Rao

... APPLICANT

A N D

1. Union of India, rep. by its Secretary,
Ministry of Defence, ~~Ram~~ Production
& Supplies, South Block, New Delhi.
2. The Director General, Aeronautical
Quality Assurance, Ministry of Defence,
'H' Block, DRDO PO., New Delhi-110 001.
3. The Chief Resident Inspector, D.G.A.Q.A.,
Min. of Defence, HAL PO., Hyderabad-042.
4. Director General, DRDO, Ministry of
Defence, New Delhi.

... RESPONDENTS

REJOINDER

I, G.Siva Prasada Rao, S/o.G.Koteswara Rao, aged about 37 years, Junior Scientific Officer, in the Office of the Chief Resident Inspector, Directorate General, Aeronautical Quality Assurance, Ministry of Defence, Care of Hindustan Aeronautic Limited, Balanagar, Hyderabad, do hereby solemnly and sincerely affirm and state as follows:-

1. I am the applicant in the above O.A. and as such I am well acquainted with the facts of the case. I have read the reply statement filed on behalf of the respondents and in reply thereto I beg to submit as follows:-
2. I submit that the Government while sanctioning higher pay scale of Rs.2375-3750 in place of the scale of 2000-3500 in pursuance of Judgement of Hon'ble Principle Bench in O.A.No.912/93 to J.S.Os. in D.R.D.O. with effect from 1.1.1986 or date of promotion have given a discriminatory treatment in the case of J.S.Os. working in D.G.A.Q.A. although it is for this reason proposals were initiated for the revision of pay scales of J.S.Os. of D.G.H.Q.A. at par with the DRDO. On the basis of representation made by me and others working in D.G.H.Q.A. However no orders were passed in this regard, though there is every justification

to equalise the scale of J.S.Os. in DGAQA on par with J.S.Os. of DRDO from 1.1.1986. I submit that my case is that I am entitled for the scale of Rs.2375-3750 with effect from the date of my promotion as J.S.O. with all consequential benefits. I submit that inspite of the proposals initiated by the Government no orders were passed in this regard on the ground that the proposal coincided with the report of the V Pay Commission, and its acceptance by the Government. It is seen from the counter that the respondents did agree with the recommendation of V Pay Commission for replacement scale of 7500-12000 for J.S.Os. of ~~all~~ both organisations namely DGAQA and D.R.D.O. and made applicable from 1.1.1996. It is thus obvious that the anomaly of pay scale of JSOs ~~xx~~ in different organisations was set right with effect from 1.1.1996. Thus there is therefore no justification in denying the same scale to JS.Os. of DGAQA on par with JSOs of DRDO from 1.1.1986 or from the date of promotion as J.S.Os. which ever is later having admitted that necessary action for the upgradation of scale of JSOS with infact considered. I submit that nothing prevented the Government to take a decision to implement the said scale to JSOs of DGAQA on the ground that the matter is under consideration by V Pay Commission which is after all a recommendatory body. In any view of the matter the recommendations of V Pay Commission having been accepted and implemented with effect from 1.1.1996 there is no ~~xxx~~ rational in denying the said benefit to the J.S.Os. of DGAQA for the earlier period from 1.1.1986. It is relevant to submit in this connection that having extended higher scale of 2375-3750 to J.S.Os. of sister organisational, there is absolute no case for awaiting the recommendations of V Pay Commission which is a recommendatory body infact the V C.P.C. recommended higher pre-revised scale of pay of Rs.2500-4000 which is 7500-12000.

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3. Regard 6(f) of the reply, I submit that financial benefit, though extended from 8.11.1995, the notional fixation was given from 1.1.1986 or from the date of promotion as J.S.O. which ever is later. In my case I was promoted as J.S.O. from 2.7.1991, therefore I am entitled for higher scale for 2.7.1991 with all monetary ~~km~~ benefits as I have not the benefit of scale of Rs.2375-3500 as S.S.A. as a result of O.A.No.883/93 of this Hon'ble Tribunal.

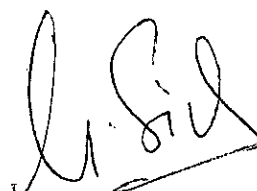
In view of what is submitted above I submit that the relief sought for is fully justified and is in order.

It is therefore prayed that this

Hon'ble Tribunal may be pleased to allow the

above O.A. as prayed for and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

Sworn and signed before me
at Hyderabad on this 28th day
of February, 1998.



DEPONENT.

Before me

P.V.S. Swamy
// ADVOCATE // HYDERABAD.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT: HYDERABAD

O.A.NO. 1283 of 1997



REJOINDER

Received copy

Ch. Rukman

9/3/98

J. K. Reddy Ramulu

Mr. K. Venkateswara Rao,

Counsel for the Applicant.

Day filed
10398

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 1283 OF 1997

Dated, the 19th March, '99.

BETWEEN

G. Siva Prasada Rao

.... Applicant

A N D

1. Union of India, represented by its Secretary,
Ministry of Defence Production and Supplies
South Block, New Delhi.
2. The Director General, Aeronautical Quality
Assurance, Ministry of Defence, H.Block,
DHQO (Delhi Head Quarters Post Office),
New Delhi-110 011.
3. The Chief Resident Inspector, DGAQA,
Ministry of Defence, HALPO, Hyderabad-42

.... Respondents.

COUNSELS :

For the Applicant

: Mr. K. Venkateswara Rao

For the Respondents

: Mr. B.N. Sarma

CORAM :

THE HON'BLE MR. R. RANGARAJAN, MEMBER (ADMIN)

THE HON'BLE MR. B.S. JAI PARAMESHWAR, MEMBER (JUDL)

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O.A.1283/97

-: 2 :-

O R D E R

(PER : HON'BLE MR. R. RANGARAJAN, MEMBER (ADMIN))

1. Heard Mr. K. Venkateswara Rao, Learned Counsel for the applicant and Mr. B. N. Sarma, Learned Standing Counsel for the respondents.
2. The applicant in this O.A. belongs to ST community and was originally appointed as Senior Scientific Assistant in DGAQA formerly known as DTD&P(Air) viz. Directorate of Technical Development and Production (Air) w.e.f. 9.6.98 in the then scale of Rs.1640-2900/-. It is stated that the scale of pay of SSA even in DGAQA was fixed in the scale of pay of Rs.2375-3500 as was existing in DRDO with effect from 1.1.88. The applicant was promoted as JSO w.e.f. 2.7.91 in the scale of pay of Rs.2000-3500. For JSOs the scale of pay in DRDO is Rs.2375-3750.
3. This O.A. is filed for declaration that the applicant is also entitled to the scale of pay of Rs.2375-3750 from the date of his promotion as JSO from 2.7.91, with all consequential benefits and for setting aside the rejection of his case, vide letter No.4373/72/DGAQA/Adm(GP-II) dt. 20.3.97, issued by the DGAQA, Ministry of Defence.
4. A similar O.A. No.17/97 was disposed off by order dt. 12.3.99. The contention raised in that O.A. as well as the relief prayed for are same as that of the contention and relief prayed in this O.A. Their main point in that O.A. for consideration was whether the scale of pay of Rs.2375-3750 applicable to JSOs of DRDO is also applicable to the applicants in that O.A. from the date of their promotion to JSO.
5. In view of the fact that a similar case was disposed off recently, this O.A. has also has to be disposed off

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O.A.1283/97

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giving the same direction as was given in O.A.17/97.

Hence the following directions are given :

- i) Taking due note of the fact that fixing of pay of the applicant as SSA in DGAQA organisation in the scale of pay of Rs.2375-3750 which is same as that of SSA of DRDO, the recommendations of the 5th Pay Commission and the Memorandum dated 20.3.97 a final decision for fixing the pay of the applicant from the date of his promotion as JSO shall be taken by the respondents' organisation within a period of 3 months from the date of receipt of a copy of this order.
- ii) A speaking order shall be issued by the respondents in this regard to the applicant within the stipulated period as indicated above.
- iii) The applicant is at liberty to move this Tribunal if he is aggrieved by the decision taken by the respondents.

6. The O.A. is ordered accordingly. No order as to costs.



(B.S. JAI PARAMESHWAR)
MEMBER (JUDL)


(R RANGARAJAN)
MEMBER ADMIN)

19329

Dated, the 19th March, '99

Dictated in Open Court.


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Copy to:

1. HDHND
2. HHRP M(A)
3. HBSJP M(J)
4. D.R. (A)
5. SPARE

7/1/99
IST AND IIND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR:
VICE - CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD:
MEMBER (A)

THE HON'BLE MR. R. RANGARAJAN:
MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESWAR
MEMBER (J)

DATED: 19.3.99

ORDER/ JUDGEMENT

MA./RA./CP.No. —

IN

O.A. NO. 1283/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

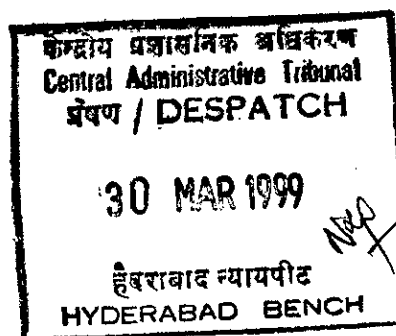
DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

7 Copies



CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.
1st Floor, HALA Bhavan, Opp Public Garden, Hyderabad-500004.A.P.

ORIGINAL APPLICATION NO. **1283** OF 1997.

Applicant(S) **G.Siva Prasad Rao** V/S Respondent(S) **The Secy. Min. of Defence Production and Supplies & Ors.**
By Advocate Shri: **K.Venkataswar Rao** (By/Central Govt.Standing Counsel)

To. **Sri. K.Ramlee, Addl. CGSC.**

- R-1. Union of India, represented by its Secretary, Ministry of Defence Production and Supplies, South Block, New Delhi.
R-2. The Director General, Aeronautical Quality Assurance, Ministry of Defence, M.Block, DMQPQ(Delhi Head Quarters Post Office), New Delhi.
R-3. The Chief Resident Inspector, DGADA, Ministry of Defence, HALPO, Hyderabad.

Whereas an application filed by the above named applicant under Section 19 of the Administrative Tribunal Act, 1985 as in the copy annexed hereunto has been registered and upon preliminary hearing the Tribunal has admitted the application.

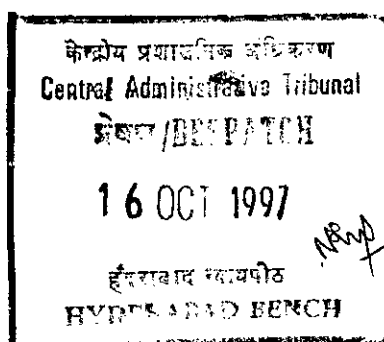
Notice is hereby given to you that if you wish to contest the application, you may file your reply along with the document in support thereof and after serving copy of the same on the applicant or his Legal Practitioner within 30 days of receipt of the notice before this Tribunal, either in person or through a Legal Practitioner/ Presenting Officer appointed by you in this behalf. In default, the said application may be heard and decided in your absence on or after that date without any further Notice.

Issued under my hand and the seal of the Tribunal
This the **Thirtieth** day of **September** 1997.

//BY ORDER OF THE TRIBUNAL//

Date: **9-10-1997.**


FOR REGISTRAR.

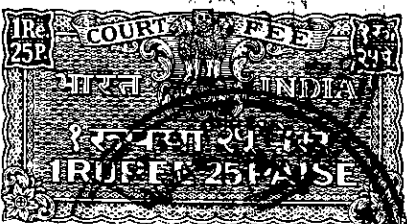




S. R. No.

Centel

**Andhra Pradesh
Administrative Tribunal
at Hyderabad**



VAKALAT

IN

O. A. No.

of 199

ACCEPTED

L. Venkateshwar

APPLICANT
Advocate for PETITIONER
RESPONDENT

APPLICANT
Advocate for PETITIONER
RESPONDENT

Address for Service of the said Advocate is at

*2. 2-1136/3/1
Jayalaxmi Nivas
New Nallaburu
Hyd-44*

~~Central~~
In the ~~Andhra Pradesh~~ Administrative Tribunal
at Hyderabad.

O. A. No. 1283 of 199

G. Siva Pratapa Rao
VERSUS

Applicant

Petitioner

Respondent

U.O. dated by the secretary Ministry of Revenue
Production 12/8/97

Applicant

Petitioner

Respondent

1/10/97
G. Siva Pratapa Rao

In the above Petitioner do hereby appoint and retain,

(Venkateswara Rao)

Advocate's of the High Court to appear for me/us in above Petition and to conduct and prosecute (or defend) the and all proceedings that may be taken in respect of any application connected with the same any decree or order passed therein including all application for return of documents or the receipt or any moneys that may be payable to me/us in the said Appeal/Petition and also to appear in all application under Clause XV of the Letter Patent and in all applications for review and for leave to the Supreme Court of India.



(Signature)

I Certify that the contents of this VAKALAT were read out and explained in English and Telugu in my presence to the executants who appeared perfectly to understand the same and made his/her/their signature or mark in my presence.

Executed before me this

19th day of Feb 1997

N. Srinivas Rao
Advocate's Hyderabad.

19/9/97