

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..
O.A.No. 17 of 1997.

Date of decision: March 12, 1999.

Between:

P. Gangadhar.

.. Applicant

And

1. Union of India represented by its Secretary, Defence Production and Supplies, Ministry of Defence, South Block, New Delhi.
2. Director General, Aeronautical Quality Assurance, Ministry of Defence, 'H' Block, DHQ P.O., New Delhi - 110 011.
3. Chief Resident Inspector, DGAQA, HAL PO., Balanagar, Hyderabad - 500 042. .. Respondents.

COUNSEL FOR THE APPLICANT: Sri L.Nanda Kishore.

Counsel for the Respondents: Sri V.Rajeswara Rao.

CORAM:

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

Hon'ble Sri B.S. Jai Parameshwar, Member (J)





JUDGMENT.

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

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Heard Sri L.Nanda Kishore, learned counsel for the Applicant and Sri V.Rajeswara Rao, learned counsel for the Respondents.

The applicant in this O.A., joined the Respondents' Organisation on 5.1.1979 as Senior Scientific Assistant/ ^{under} Director General, Aeronautical Quality Assurance (DGAQA) ~~was~~ formerly known as DTD&P(AIR). Initially, the applicant's pay was fixed in the pay scale of Rs.1640-2900. Subsequently on the basis of rectification of certain anomalies in the III Pay Commission's report, the pay scale of Senior Scientific Assistants who were similarly placed like the applicant and who ~~are~~ ^{were} working with the Defence Research Development Organisation (DRDO for short) were placed in the Pay scale of Rs. 2375--3500 by Government of India letter No. 9(1)/85/D(ECC/IC/1 dated 11th November, 1988. Since the applicant and others are also officers of the same rank of DGAQA, they have approached this Tribunal by filing O.A.No.883/89. That O.A. was disposed of by 24-9-1991 directing the respondents to initiate steps for extending the award to the Senior Scientific Assistants ~~xxxx~~ of the DTD & P(AIR) also by moving the Parliament at the next available opportunity for approval. A copy of the judgment (Annexure II to the O.A.) is enclosed to the O.A.

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Pursuant~~x~~ to the orders of this Tribunal in the above referred ~~x~~ O.A., the applicant was also placed in the pay scale of Rs. 2375-3500. The applicant thereafter was promoted as Junior Scientific Officer on 4.7.1988. On his promotion his pay was fixed in the pay scale of Rs.2000-3500. The applicant submits that this is ~~an~~ inferior scale compared to the pay scale of Rs.2375-3500 which he was drawing as Senior Ascientific Assistant. Though this was brought to the notice of the respondents, the applicant submits that it was not rectified.

The applicant submits that he is placed in the same capacity as Junior Scientific Officer of DRDO. The applicant submits that the JuniorScientific Officers of the DRDO approached the Principal Bench of the Central Administrative Tribunal, New Delhi seeking a pay scale higher than their existing scale of Rs.2375--3500. The Principal Bench of the Central Administrative Tribunal by order dated 8.11.1995 allowed the said O.A. As a result of that judgment, the Ministry of Defence (R&D) passed the G.O. (Letter No.96574/JSO/Pay Scale/RD Pers.3 dated 11.6.1996) revising the pay scale of Junior Scientific Officers of DRDO ^{to that of} ~~Rs.2375-75-3050-EB-100-3750~~ Rs.2375-75-3050-EB-100-3750. Thereafter the applicant approached the respondents and requested them to treat him on par with the Junior Scientific Officers of DRDO as was done previously. It is stated that the respondents have informed the applicant that the

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judgment of the Principal Bench of the Tribunal is applicable only to Junior Scientific Officers of DRDO only, The applicant submits that the above rejection is not in order as earlier the award that was given to the SSAs of DRDO was extended to the SSAs of DGAQA by Pros. No.OA.883/89 dated 24.9.1991. Likewise, the subsequent benefits that the JSOs., of DRDO have received ~~and equally~~ are equally to be given to the applicant who is under employment of DGAQA formerly known as DTD&P(AIR).

This O.A., is filed~~x~~ praying for a direction to the respondents to extend the pay scale of Rs. 2375-3750 applicable to JSOs., of DRDO to the JSOs., of DGAQA ~~in~~ in toto as per the Government of India letter No.96574/JSO/Pay Scale/RD Pers 3 dated 11.6.1996 and to extend~~x~~ the benefits flowing from the order in the O.A.912/93 dated 8.11.1995 to those persons w-ho ~~have~~ been promoted before 1.1.1986 or later as they would also be entitled to higher revised pay scale than the revised pay scale applicable to the feeder categories post from which they were promoted before 1.1.1986.

A reply has been filed in this O.A. It is a very short reply and it only reveals that the DRDO and DGAQA are two different organisations and ~~the~~ hence the pay scale given to JSOs., of DRDO., is not applicable to JSOs., in DGAQA. However, the V Pay Commission had recommended the Pay scale of Rs.7500--12000 for the JSOs., or DGAQA on par with the ~~admissible~~ corresponding posts in

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in the DRDO and DGAQA subject to certain conditions. Though the upgradation of pay scale of JSOs., in DGAQA was under consideration, the respondents thought it fit to await the outcome of the V Pay Commission's recommendations and the pay scale of JSOs., has been fixed as per ~~the~~ recommendations of the V Pay Commission from the day ~~of~~ the V Pay Commission's recommendations were accepted.

The main point for consideration in this O.A., is:

"Whether the scale of pay of Rs. 2375--3750 applicable to JSOs., of DRDO is also applicable to the applicant herein from the date of his promotion as JSO?"

The main contention of the respondents in this O.A., against the above request is that the pay scales of DRDO and DGAQA cannot be one and the same as these two are different organisations and hence the decision was kept pending till the V Pay Commission Scales were announced. On the basis of the recommendations of the V Pay Commission the scale of pay of the applicant was made equal to that of JSO., of DRDO. Hence, no further ~~steps~~ are called for in the O.A.

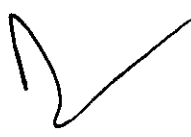

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This O.A., was filed on 5.12.1996 much earlier to the submission of the recommendation of the V Pay Commission. Hence, the Authorities were not aware of the recommendations of the V Pay Commission in this connection. The submissions made in regard to the higher scale of pay on the basis of the V Pay Commission have arisen after the filing of the O.A.

The respondents themselves have accepted that the pay scale of JSOs., in DGAQA will be the same as JSOs., in DRDO. It is also seen from the recommendations of the V Pay Commission that the scale of pay of JSOs., in DGAQA was fixed in the pay scale of Rs.7,500-12,000. on the basis of earlier scale of Rs. 2375--3750. Hence when the applicant submits that he should be given the same scale of pay of JSOs., as was given to JSOs., of DRDO from the time he was promoted as JSO,, that appears to be a genuine request. It is also seen from the Memorandum produced by the counsel for the applicant (Memorandum No.4373/720DGAQA/Adm(GP.II) D/20.3.1997) that the case is under consideration of the Government. But the letter is not very clear. The applicant tried to submit that the respondents are actively considering for granting them the same scale of pay that was given to JSOs., of DRDO to the JSOs., of DGAQA. But as stated above, the Memorandum dated 20.3.1997 is not very clear and it has to be further examined.



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By the time of filing of this O.A., both the recommendations of V Pay Commission as well as the Memorandum dated 20-3-1997 are not available to the Respondents' Organisation. Hence, those points were not examined by the respondents in their reply.

In view of the facts and circumstances of the case, we feel that a reasonable opportunity is to be given to the respondents' Organisation to reconsider the issue in toto taking into account the subsequent events and pass a suitable order in accordance with law, rules and regulations. Such a direction, in our opinion will meet the ends of justice in the disposal of the case of the applicant.

In the result the following directions are given:

- i) Taking due note of the fact of fixation of pay of the applicant as SSA in DGAQA Organisation in the scale of pay of Rs.2375-3750 which is the same as that of SSA of DRDO, and the recommendation of the V Pay Commission and the Memorandum dated 20.3.1997, a final decision for fixing the pay of the applicant from the date of his promotion as JSD shall be taken by the respondents' Organisation within a period of three months from the

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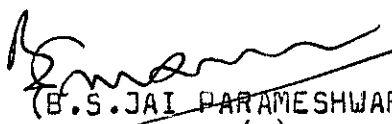
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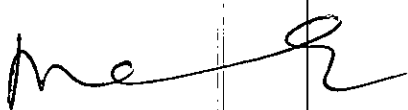
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date of receipt of a copy of this Order.

- ii) A speaking order shall be issued 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.

The O.A., is ordered accordingly. No costs.

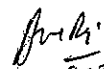

(B.S. JAI PARAMESHWAR)
Member (J)


(R. RANGARAJAN)
Member (A)

17/3/99

Date: March 12, 1999.

Dictated in open Court.


J. S. R.

Copy to:

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

26/3/99
1ST AND 2ND 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: 12/3/99

ORDER/ JUDGEMENT

MA./RA./CP.NO.

IN

O.A. NO. 17/97

ADMITTED AND IN FIRM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

7 copies

