

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

CA 18/2002

DATE OF ORDER: 10.3.04

Debasis Kundu son of Shri M.M. Kundu, aged about 41 years, resident of 3-B/27, IEM Colony, Adarsh Nagar, Ajmer. At present working as Sr. Technical Assistant (Chemistry), Indian Bureau of Mines, Office of Regional Ore Dressing Laboratory and Pilot Plant, Indian Bureau of Mines, Makupura Industrial Area, Ajmer.

..... Applicant

VERSUS

1. The Union of India through the Secretary to the Government of India, Ministry of Mines, Shastri Bhawan, New Delhi.

2. The Controller General, Indian Bureau of Mines, Indira Bhawan, Civil Lines, Nagpur.

..... Respondents

Mr. Prahlad Singh, Counsel for the applicant.

Mr. Manu Bhargava, Counsel for the respondents.

CORAM:

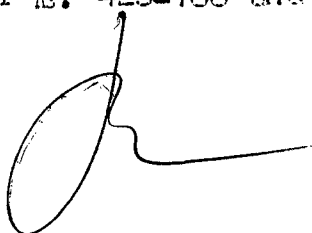
Hon'ble Mr. A.K. Bhandari, Member (Administrative)

Hon'ble Mr. Bharat Bhushan, Member (Judicial)

ORDER

PER HON'BLE MR. BHARAT BHUSHAN

The applicant is working as Sr. Technical Assistant (Chemistry) in the Indian Bureau of Mines. It is his case that he is having the qualification of M.Sc (Chemistry) and is working as Sr. Technical Assistant (STA) (Chemistry) in the Indian Bureau of Mines @ (IEM) and earlier he had joined the services of Indian Bureau of Mines as Jr. Technical Assistant on 25.4.1985 in the pay scale of Rs. 425-700 and was subsequently promoted as STA (Chemistry)



in the pay scale of Rs.1640-2900 and that now his pay scale is Rs.5500-9000, revised under the V Central Pay Commission. It is his contention that there were similar/identical posts in other Department of the Government of India and the pay scale of the post of III and IV Central Pay Commission were same as that of STA (Chemistry) in IEM. And on the basis of the recommendations of the V Central Pay Commission, the pay scale of the said post in GSI had been revised to Rs.6500-10500 w.e.f. 1.1.1996 whereas the pay scale of STA (Chemistry) in IEM i.e. the case like him remained the same i.e. at Rs.5500-9000. Hence his contention is that when upto the year 1996, the pay scale of STA (Chemistry) in IEM as well as STA (Chemical) in GSI were the same, and that now this difference in their pay scale has crept in only after the recommendations of the V Central Pay Commission, which has been implemented w.e.f. 1.1.1996. In this response, he says that there was now no justification for creating this differentiation in the pay scales. The applicant made a representation to respondent No. 1 in view of this anomaly/differentiation in the pay scales of the two STA i.e. of IEM and GSI. He contends that in this context a meeting of the Anomalies Committee of the Department of Mines was convened on 14.2.2000 and they re-examined the entire matter and ultimately made their recommendation to the Ministry of Finance for grant of upgraded revised pay scale for STAs in IEM for which Masters Degree qualification has been laid down like that of STA in GSI, but on account of the inaction on the part of the respondents for revision of the pay scale of Rs. 6500-10500 w.e.f. 1.1.1996, the applicant has approached the Tribunal by filing the present OA.

2. In the reply filed on behalf of the respondents, they have stated that it was pursuant to the recommendations of the V Central Pay Commission only that the pay scale of Rs. 6500-10500 was granted to STA of GSI whereas the pay scale of Rs. 5500-9000 was granted to the STA (Chemistry) of IEM. However, countering the contention of the learned counsel for the applicant regarding the identical/similar requisite qualification for STA (Chemistry) in IEM and STA (Chemical) GSI, they have stated that there was difference of

qualification in the mode of recruitment in both the corresponding cadre of GSI and IBM. They have stated that in GSI, the educational qualification for recruitment to the post of STA (Chemistry) is post Graduate in Chemistry whereas in the IBM, there is alternative qualification of B.Sc with Chemistry as one of the subject with three years experience and further in the matter of promotion, even a non-matriculate can also become STA whereas that was not the case in GSI. Further in respect of promotion also they state that in GSI, it was 100% direct recruitment whereas in IBM, it was 75% by promotion and 25% by direct recruitment. Hence the contention of the respondents is that there is lot of difference in the service conditions, recruitment rules etc. of the STA (Chemistry) in the IBM and that of STA (Chemical) in the GSI. Thus according to them, the applicant is not entitled to seek parity of pay scales with STA (Chemical) in the GSI. Thus according to them, the present OA is liable to be dismissed.

3. Our attention has also been drawn by the learned counsel for the petitioner towards the observations of the Anomalies Committee with respect to the meeting conducted by them on 14.2.2000. The copy of the meeting thereof are at Annexure A/8 wherein various anomalies arising out of the recommendations of the V Central Pay Commission were discussed. The portion relevant for the case in hand appearing at Page No. 39 reads as under:-

".....

The Anomalies Committee decided to recommend to Ministry of Finance, Department of Expenditure (Implementation Cell) the grant of upgraded revised scale for STAs of various disciplines in IBM for which Masters degree qualification has been prescribed in the relevant Recruitment Rules.

The Head of Office, IBM will submit proposal with relevant R/Rules notification and justification in this regard for further examination and recommending the same to Ministry of Finance, Department of Expenditure (Implementation Cell)".

The perusal of the same would reveal that Head Office of the IEM have to submit the proposal with the relevant recruitment rules, notification, justification etc. for their further examination for recommending the same to the Ministry of Finance. Though the argument of the learned counsel for the applicant is that the Tribunal can now act on such observations of the Anomalies Committee and give necessary directions for keeping parity scales with the STA (Chemical) but we are unable to agree with such submissions of the learned counsel because as observed hereinbefore the recommendations of the Anomaly Committee are not complete as yet. Rather, as a matter of fact, such recommendations to be made, if any, may take place only after the IEM examines the proposal with regard to the relevant rules, notifications etc. Thus it appears that it is too premature on the part of the Tribunal to merely act on such observations of the Anomaly Committee.

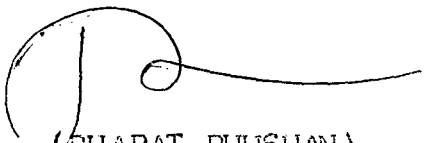
4. Our attention has also been brought to a decision of the Madras Bench of the CAT in OA 304/2002 decided on 30.10.2002 in the case of A.S. Sanjeeva Rao & Others vs. Union of India & Others wherein too, the applicants working as Sr. Technical Assistants in the IEM and placed in the pay scale of Rs. 5500-9000 had claimed the pay scales of Rs. 6500-10500 at par with the post of STA (Chemical) in the GSI. In the said case too, the Tribunal had finally observed as under:-

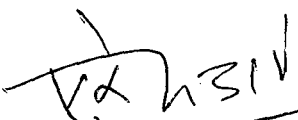
"..... Regarding the grant of pay scale of Rs. 6500-10500/- the respondents are directed to take up the matter with the administrative ministry i.e. the Ministry of Coal and Mines so that the proposal is considered and finalised with due consideration with the Expenditure Department i.e. the Ministry of Finance and pass orders on the claims of the applicants within a period of three months from today."

5. In our opinion as already observed by us hereinbefore, since the recommendations of the Anomaly Committee are yet not complete as they have still asked for more relevant information



from the IEM for further examination, so at this stage suffice, it would be to order as under mainly on the lines of what the Chennai Bench of the Tribunal has done. Hence we order the respondents to take up the matter alongwith all relevant recruitment rules, notifications, justifications etc. with the Anomaly Committee for their kind consideration. This be done within a period of two month from the date of receipt of a copy of this order. No costs.

  
(BHARAT BHUSHAN)  
MEMBER (J)

  
(A.K. BHANDARI)  
MEMBER (A)

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