IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 17.05.02

OA No.65/2001

Wahid Khan s/o late Shri Hamid Kha, Hostel Superintendent, Military School, Dholpur.

.. Applicant

Versus

1. The Govt. of India through the Secretary, Ministry of Defence, New Delhi.
2. The Chief of Army Staff, Army Headquarters, DHO PO, New Delhi.
3. The Dy. Chief of Army Staff, DTC. Gen. of Military Trg. (MT15(a) General Staff Branch, Army Headquarters, DHO, PO New Delhi.
4. The Principal, Military School, Dholpur (Raj)

.. Respondents

OA No.66/2001

Naseeruddin s/o Shri Railuddin Ahmad, Hostel Superintendent, Military School, Dholpur.

.. Applicant

Versus

1. The Govt. of India through the Secretary, Ministry of Defence, New Delhi.
2. The Chief of Army Staff, Army Headquarters, DHO PO, New Delhi.
3. The Dy. Chief of Army Staff, DTC. Gen. of Military Trg. (MT15(a) General Staff Branch, Army Headquarters, DHO PO, New Delhi.
4. The Principal, Military School, Dholpur (Raj)

.. Respondents

OA No.63/2001

R.S.Katarya s/o late Shri Sube Singh Katarya, Hostel Superintendent, Military School, Dholpur.

.. Applicant

Versus

1. The Govt. of India through the Secretary, Ministry of Defence, New Delhi.
2. The Chief of Army Staff, Army Headquarters, DHO PO, New Delhi.
3. The Dy. Chief of Army Staff, DTC. Gen. of Military Trg. (MT15(A) General Staff Branch, Army Headquarters, DHO PO, New Delhi.
4. The Principal, Military School, Dholpur (Raj).

.. Respondents

OA No.64/2001

D.V.S.Tyagi s/o late shri Praveen Singh Tyagi, Hostel Superintendent, Military School, Dholpur.

.. Applicant

Versus

1. The Govt. of India through the Secretary, Ministry of Defence, New Delhi.
2. The Chief of Army Staff, Army Headquarters, DHO PO, New Delhi.
3. The Dy. Chief of Army Staff, DTC. Gen. of Military Trg. (MT15(a) General Staff Branch, Army Headquarters, DHO PO, New Delhi.
4. The Principal, Military School, Dholpur (Raj.)

.. Respondents

Mr. Narendra Mohan Sharma - counsel for the applicants

Mr. Hemant Gupta, proxy counsel to Mr. M.Rafiq, counsel for the respondents

CORAM:

Hon'ble Mr. S.K.Agarwal, Member (Judicial)

Hon'ble Mr. H.O.Gupta, Member (Administrative)

O R D E R

Per Hon'ble Mr. H.O.Gupta, Member (Administrative)

The applicant in OA No.65/2001 is aggrieved of improper grant of pay scale and has prayed for appropriate directions to the respondents to reconsider the case and grant him the pay scale of Rs. 6500-10500 instead of Rs. 4500-7000 w.e.f. 1.1.96 alongwith arrears and interest, on various grounds stated in the OA.

2. The case of the applicant as made out, in brief, is that:-

2.1 He was appointed as Hostel Superintendent in Military School Hostel, Dholpur on his promotion from Accountant w.e.f. 1.1.98. The pre-revised pay scale of the applicant was Rs. 1600-2660. He has been given a pay scale of Rs. 4500-7000 although the standard conversion of the pay scale of Rs. 1600-2660 is Rs.5000-8000, as may be seen from ready reckoner Ann.A1. There is no reason as to why the standard pay scale wes not granted to the applicant. Further, similarly situated Hostel Superintendents have been fixed in the pay scale of Rs. 6500-10500 whereas he has been fixed in the pay scale of Rs. 4500-7000.

2.2 There are 5 Military Schools in India situated at Belgaum, Bangalore, Chail, Ajmer and Dholpur with 4 Hostel Superintendents authorised to each school. The duties of Hostel Superintendents of Military is round the clock, but their pay scale has been fixed at very low grade. They do not have any promotion avenue. A teacher of

the Military School can be promoted to Class 'B' and Class 'A' but the Hostel Superintendent will retire on the same grade. The qualifiation and responsibilities of Hostel Superintendent of Military School are almost similar to that of the Delhi College of Engineering, Department of Training and Technical Education. The Hostel Superintendent of Delhi College has been fixed in the pay scale of Rs. 6500-10500 whereas the applicant has been fixed in the scale of Rs. 4500-7000 which is a clear discrimination. The Recruitment Rules and duties may be seen from Ann.A2.

2.3 The Assistant Masters and Librarians of the Military School have always been treated as junior to the Hostel Superintendents. Now the applicant has been fixed in the pay scale of much lower than that of Assistant Masters and Librarians. Duties of Asstt. Master and Librarian are much less onerous than that of Hostel Superintendent in Military School. Therefore, there is no reason for giving a pay scale of Rs. 5500-9000 to the Asstt. Master/Librarians and Rs. 4500-7000 to the Hostel Superintendents. Replacement of pre-revised pay scale of Rs. 1400-2300 to the new scale of Rs. 4500-7000 does not exist in any Department of Ministry of Defence as well as in other departments of the Central Govt.

3. The respondents have contested this application. Briefly stated they have submitted that:-

3.1 The earlier pay scale of the applicant i.e. Rs. 1400-2300 has been rightly revised to Rs. 4500-7000. The nature of duties and qualification for appointment as also the mode of recruitment for the post of Asstt. Master and Librarians are quite different than that of a Hostel

Superintendent. Similarly, the post of Hostel Superintendent in Delhi College of Engineering, Department of Training and Technical Education has got onerous and heavy duties as compared to the Hostel Superintendent of Military Schools.

3.2 The Pay Commission has taken into account all the data and material and has also evaluted the working conditions, nature of duties, mode of recruitment, qualification, experience etc. for the post of Hostel Superintendent vis-a-vis other posts. It was on consideration of the entire information, the Pay Commision has prescribed the pay scale of Rs. 4500-7000 for the post of Hostel Superintendent of the Military Schools.

4. No rejoinder has been filed by the applicant.

5. Heard the learned counsel for the parties and perused the record.

5.1 It appear from para 4.9 of the application that the applicant was granted the pay scale of Rs. 1400-2300 based on 4th CPC recommendations and not Rs. 1600-2660 as averred in para 4.2 of the application, which the respondents for the unexplained reasons, have also not denied. The standard conversion of the pay scales of Rs. 1400-2300 and Rs. 1600-2660 as per the recommendations of the 5th CPC are Rs. 4500-7000 and Rs. 5000-8000 respectively. If the applicant was holding the pre-revised scale of Rs. 1600-2660, he would be entitled for placement in the scale of Rs. 5000-8000 w.e.f. 1.1.96.

5.2 With regard to the prayer of the applicant to place the Hostel Superintendents holding the pre-revised

pay scale of Rs. 1400-2300 to the revised pay scale of Rs. 6500-10500, we are of the view that determination of a pay scale for a particular post is a subject matter of the expert bodies like the Pay Commision and the final decision is taken by the Govt., keeping in view a number of relevant factors including nature of duties and responsibilities, the recruitment rules, the qualifications, the quality of work, efficiency desired, eperience required etc. Unless a discrimination with the similarly placed is shown, the Tribunal does not interfere in these matters.

5.3 In this particular case, the applicant is seeking parity with Teachers and Librarians of the same School. Apparently, the duties and responsibility of a Hostel Superintendent cannot be compared with that of the Asstt. Master and the Librarian. The applicant has also not been able to establish discrimination with the Hostel Superinterdents of Delhi College of Engineering, Department of Training and Technical Educaiton, who were granted higher pay scale. No authentic detailed data has been placed by the applicant to prove his point. Only a statement is filed containing qualifications and duties. There is nothing on record relating to the mode of recruitment, the number of students in the hostel, their pay scale as per recommendations of the 4th CPC etc. The Pay Commission has considered the case of the applicant and based on the recommendation of the 5th Pay Commission, the Government accepted the recommendations and granted the standard conversion of the pay scale Rs. 1400-2300 to the applicant.

5.4 The respondents in support of their contention

have also relied on the cases of Union of India and Anr. v. P.V.Hariharan, 1997 (2) SLR 232 and Garhwal Jal Sansthan Karamchari Union and Anr. v. State of Uttar Pradesh and Ors., 1997 (2) SLR 600.

6. In view of above discussions, we do not find any merit in this OA and accordingly it is dismissed without any order as to costs.

7. Since the applicants in OA No.66/2001, 63/2001 and 64/2001 are also seeking same relief on similar grounds which were taken up alongwith OA No. 65/2001 with the consent of parties, thses OAs are also dismissed without any order as to costs.

(H.O.GUPTA)
Member (Administrative)

(S.K.AGARWAL)
Member (Judicial)