

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.No. 260 of 1997.

DATE OF DECISION.....31-8-1999.

Mrs Swapna Dey.

(PETITIONER(S))

S/Shri J.L.Sarkar & M.Chanda.

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

Union of India & Ors.

RESPONDENT(S)

Sri A.Deb Roy, Sr.C.G.S.C.

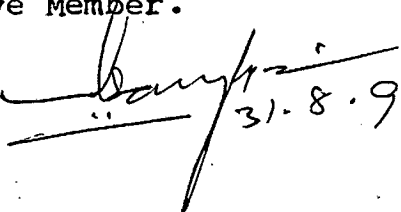
ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE JUSTICE SHRI D.N.BARUAH, VICE CHAIRMAN.

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Administrative Member.


31-8-99

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 260 of 1997.

Date of Order : This the 31st day of August, 1999.

Justice Shri D.N. Baruah, Vice-Chairman.

Shri G.L. Sanglyine, Administrative Member.

Mrs Swapna Dey,
working as Lower Grade Draftsman,
Office of the Circle Officer,
under the Office of the Chief
Postmaster General,
Shillong.

. . . Applicant.

By Advocate S/Shri J.L. Sarkar, M.Chanda.

- Versus -

1. Union of India,
through the Secretary to the Govt. of
India, Ministry of Communication,
Dak Bhawan, Sansad Marg,
Department of Posts,
New Delhi-110001.

2. Director General,
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi-110001.

3. Chief Postmaster General,
North Eastern Circle,
Department of Posts,
Shillong-793001.

. . . Respondents.

By Advocate Sri A. Deb Roy, Sr.C.G.S.C.

O R D E R

G.L. SANGLYINE, ADMN. MEMBER,

This application was submitted by the applicant seeking direction on the respondents to grant her appropriate scale of pay of Rs. 1200-2040/- with effect from 22.7.1987 including all consequential benefits.

2. We have heard learned counsel of both sides. We have also perused the records available before us. It appears that there was an advertisement for recruitment to the post of Lower Grade Draftsman. The applicant who was working as

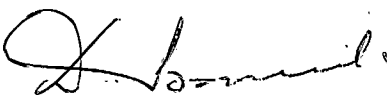
contd..2

Lower Grade Draftsman under the respondent No. 3 was a candidate for the post. A DPC was held on 27.10.1984 pursuant to the advertisement indicating the scale of pay of the post as Rs. 260-430/-. The applicant was selected. Later she was offered appointment to the post of Lower Grade Draftsman on 10.2.1997 in the scale of pay of Rs. 975-25-1150-EB-30-1540/-. The offer was accepted by the applicant on 16.2.1987. Consequently she was appointed on 20.2.1997 and she joined the post on the same date. Some time later she made representation and continued to submit representations from time to time. Her case in short is that there was no scale of pay as Rs.975-1540/- for Draftsman as on the date of her appointment. The scales of pay are Rs. 1200-2040/-, Rs. 1400-2300/- and Rs. 1640-2900/-. The correct scale of pay that should have been assigned to her post therefore is Rs. 1200-2040/-. Ultimately on 3.2.1995 the applicant was given the scale of pay of Rs.1200-2040/- with effect from 20.2.1994 in pursuance to Directorate No. 23-24/94-PE.II dated 28.11.1994. But the applicant is not satisfied with the order issued by the respondents and submitted further representations seeking benefit of the scale of pay from the date of her joining the post. The respondents informed her on 22.4.1996 that her prayer was rejected on 4.4.1996. The applicant took up the matter further but she was informed on 13.11.1996 that the matter already stood disposed of on 22.4.1996. Thereafter the Employees Association also took up the matter but same reply had been communicated to them. We have noticed that the rejection dated 4.4.1996 is without any reason. It reads as follows :-

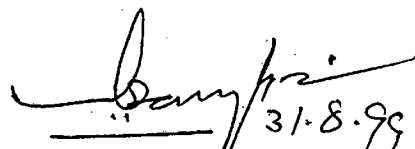
"The representation of Smt Dey has carefully been considered by the competent authority who did not find any reason to interfere on her behalf. The representation has therefore, been rejected. The official may be informed accordingly."

We find it very difficult to give our findings in view of the cryptic order issued by the respondents rejecting the contention of the applicant. We notice that the post was advertised before 1.1.1986 in the scale of pay of Rs.260-430/- and the DPC for recruitment to the post was held on 27.10.1984. The appointment was offered on 10.2.1987 and the appointment order was issued on 20.2.1987. This was after 1.1.1986 on which date the report of the Fourth Central Pay Commission came into effect. No light has been thrown whether the post of Lower Grade Draftsman was in existence after 1.1.1986 and, if so, what was the scale of pay relevant to the post. According to the applicant the scale of pay of Rs. 260-430/- became equivalent to Rs. 975-1540/- after 1.1.1986. However, according to her the scale of pay of Rs. 260-430/- ^{for Draftsman} was already no longer in existence as it was revised by the Third Central Pay Commission to Rs. 330-560/- which has a corresponding scale of Rs. 1200-2040/- with effect from 1.1.1986. In these circumstances there could be a possibility that she was appointed in a non existing post with a non existing pay scale. It is the duty of the respondents to give reasons meeting the contention of the applicant while disposing of her representation. Since that was not done we direct the respondents to consider the representations of the applicant afresh and issue a speaking order supported by facts and reasons. The order shall be communicated to the applicant within 60 (sixty) days from the date of receipt of this order.

With the above directions the application is disposed of. No order as to costs.



(D.N.BARUAH)
VICE CHAIRMAN



31.8.99

(G.L.SANGLYINE)
ADMINISTRATIVE MEMBER