

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
CIRCUIT CAMP AT GWALIOR

Original Application No. 350/2003

Gwalior, this the 26th day of August, 2004

Hon'ble Mr. M.P.Singh, Vice Chairman
Hon'ble Mr. A.K. Bhatnagar, Judicial Member

J.C. Arora
S/o Late Shri S.Singh
Retd. Record Keeper, Division No.1,
R/o 3/10, Shabda Pratap Ashram,
Laxman Talaiya Road,
Gwalior (M.P.)

APPLICANT

(By Advocate - Shri Sandeep Awle on behalf of Sh.M.Sharma)

VERSUS

1. Union of India
Through it's Secretary,
Department of Science and Technology,
New Delhi.
2. The Director General,
Survey of India,
Hathi Barkla Estate,
Dehradun.
3. Survey of India,
Through it's Director,
Central Circle, Vijay Nagar,
Jabalpur.

RESPONDENTS

(By Advocate - Shri S.A.Dharmadhikari)

ORDER

By M.P. Singh, Vice Chairman -

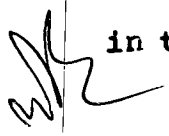
By filing this OA, the applicant has sought the
following main relief :-

"1) Quash the impugned action by which the disparity
between the different cadres have been created, with all
consequential benefits and arrears thereon".

2. The brief facts of the case are that the applicant
was initially appointed as Plane Tabler on 30.12.1964. In due
course he was promoted as Record Keeper Grade-I(Technical)
in the pay scale of Rs.425-700. According to the applicant
as per recommendations of the Third Pay Commission the posts
of Surveyor, Scientific Assistant, Trig Computer, Geodetic
Computer, Survey Assistant, Draftsman Div-I, Record Keeper
Div-I(Tech) were in the similar payscale of Rs.425-700 and
the cadre of Store Keeper Div-I was in the pay scale of
Rs.425-600. Thereafter, the Board of Arbitration has given
its recommendations in which the Record Keeper Div-I(Tech)

has been over-looked and has been shown in a different cadre with the pay scale of Rs.425-700. After that the Fourth Pay Commission's recommendation came in which also the same discrimination has continued showing the Surveyor, Scientific Assistant, Trig Computer, Geodetic Computer, Survey Assistant and Draftsman Division-I in the pay scale of Rs.1400-2600 whereas the Record Keeper Division-I (Tech) is awarded with the pay scale of Rs.1400-2300 and the Store Keeper Division-I are with Rs.1350-2200. The same discrepancy has continued even after the recommendations of the 5th CPC. The Surveyor, Scientific Assistant, Trig Computer, Geodetic Computer, Survey Assistant and Draftsman Div.I have been placed in the pay scale of Rs.5000-8000 whereas the Record Keeper, Division-I(Tech) has been placed in the pay scale of Rs.4500-7000 and the Store Keeper Division-I in the pay scale of Rs.5000-8000. Aggrieved by this the applicant has submitted ^{several} representations to the higher authorities, but he was continued to be placed in the pay scale of Rs.425-600 and thereafter he has retired on superannuation. Since he has not been granted the higher scale of pay, he has filed this O.A. claiming the afore-mentioned reliefs.

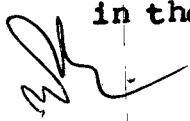
3. The respondents in their reply have stated that the Record Keepers Div.I have requested to grant the pay scale of Rs.5000-8000 because^{of} their present pay scale of Rs.4500-7000 which is the same pay scale as of Record Keeper Gr.II. This situation has been created due to the merger of previous two pay scales of Rs.1350-2200 and Rs.1400-2300 into the one pay scale of Rs.4500-7000 as per the recommendations of the 5th CPC. The respondents have contended that their comparison with Surveyor, Scientific Assistant, Trig.Computer, Survey Assistant and Draftsman Div.I is not justifiable because the nature of duties and responsibilities of above posts are much higher than the Record Keeper Division-I. The respondents have also stated that for the same ground i.e. for grant of higher pay scale of Rs.5000-8000 Shri Moinuddin, Record Keeper Div.I along with others had filed O.A.No.431/2000 before the Hyderabad Bench of this Tribunal, which has been decided vide order dated 16.3.2001 in the following terms-



"From the facts it is clear that the pay scales of the applicants have been recommended by the 5th Pay Commission and the recommendations have been accepted by the Govt. It cannot be stated that the Pay Commission has not gone into the duties and the responsibilities of the Store Keepers and the Record Keepers while fixing the pay scale of the applicants at a lower scales. When one such exercise was made by the expert bodies it is not open to us to interfere with the pay scales. However, as certain recommendations are made by the Director, Research and Development for upgradation of the pay scale and the applicants also made certain representation in this regard we direct the respondents to dispose of the same keeping in mind the higher pay scale of the applicants prior to the 5th Pay Commission recommendation within a period of 4 months from the date of receipt of the copy of this order".

Another case was filed ^{on similar grounds} by one Shri T. Pandey & others (O.A.No. 53 of 2001) before the Allahabad Bench of the Tribunal, which was disposed of vide order dated 29.8.2002 directing the Secretary, Department of Science & Technology, New Delhi to reconsider and decide the representation of the applicant by a reasoned order. In compliance to the said direction the respondents have thoroughly examined and consider the representation of the applicant in the said case and passed the reasoned & speaking order holding that the request of the applicants for grant of higher pay scale of Rs.5000-8000 cannot be agreed to. In view of the above, the respondents have submitted that the present OA filed by the applicant is bereft of merit and substance and same is liable to the dismissed.

4. We have given careful consideration to the rival contentions made on behalf of both the sides. We find that the applicant who was working as Record Keeper Div.I is claiming the higher pay scale of Rs.5000-8000 at par with Surveyor, Scientific Assistant, Trig Computer, Survey Assistant and Draftsman Div.I etc. We find that similar OAs were filed before the Allahabad & Hyderabad Benches of this Tribunal in which the respondents were directed to examine the matter and pass a speaking order. Now, the Ministry of Science & Technology, Department of Science & Technology vide their order dated 14.1.2003 (Annexure-R-2) has considered the matter in the light of the directions given by the Allahabad Bench



of the Tribunal and they have stated that it is not possible to grant the benefit of higher pay scale of Rs.5000-8000 to the Record Keeper Div.I. The Hon'ble Supreme Court in the case of Union of India & anr. Vs.P.V.Hariharan and another, 1997 SCC (L&S) 838 has specifically held that it is not the function of the Tribunals to interfere with the pay scales, and it is the functions of the Government which normally acts on the recommendations of a Pay Commission. Change of pay scale of a category has a cascading effect. Several other categories similarly situated, as well as those situated above and below, put forward their claims on the basis of such change. The Pay Commission, which goes into the problem at great depth and happens to have a full picture before it, is the proper authority to decide upon this issue. Unless a clear case of hostile discrimination is made out, there would be no justification for interfering with the fixation of pay scales.

5. In view of the aforesaid facts & circumstances of the case and also the settled legal position as stated above, we do not find any ground to grant any relief to the applicant.

6. In the result, the O.A. is dismissed, however, without any order as to costs.

(A.K. Bhatnagar)
Judicial Member

(M.P. Singh)
Vice Chairman.

rkv.

पृष्ठंकल सं ओ/न्या.....जबलपुर, दि.....
प्रतिलिपि अग्रे धित:-
(1) सचिव, उच्च न्यायालय जबलपुर, जबलपुर
(2) उपाध्यक्ष, न्यायाधीश, जबलपुर
(3) उपाध्यक्ष, न्यायाधीश, जबलपुर
(4) न्यायाधीश, न्यायाधीश, जबलपुर
सूचना एवं आवश्यक कार्यवाही हेतु

Mamaji Sharma
SA Sharma

1-9-04

उप सचिव