Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT CAMP : INDORE

Original Applications Nos.121 & 122 of 2000

Indore, this the 14th day of January, 2004

Hon'ble Shri M.P.Singh - Vice Chairman
Hon'ble Shri G.Shanthappa - Judicial Member

(1) Original Application No.121 of 2000

Udairaj Dubey S/o Shri Devnarayan Dubey, Scientific Officer-D, Centre for Advance Technology (CAT), Age - , D/27/2, C.A.T. Colony, Sukhniwas Palace Campus, Indore - APPLICANT

(By Advocate - Shri A.K.Sethi)

Versus

1. Union of India through Secretary to Government, Department of Atomic Energy, C.S.M.Marg, Mumbai-39.

2. Centre For Advance Technology (CAT) Through Director, Sukhniwas Palace, Indore - RESPONDENTS

(By Advocate - Shri B.da.Silva)

(2) Original Application No.122 of 2000

CAT Staff Association, Sukhniwas Palace, Indore through ; President Shri Abrar Ahmad - APPLICANT
(By Advocate - Shri A.K.Sethi)

Versus

1. Union of India, Secretary to Government of India, Department of Atomic Energy, C.S.M.Marg, Mumbai-39.

2. Centre for Advance Technology (CAT), Sukhniwas Palace, Rajendra Nagar, Indore Through - Director - RESPONDENTS

(By Advocate - Shri B.da.Silva)

Common Order

By M.P.Singh, Vice Chairman -

As both the OAs have similar facts, grounds, and issues, and reliefs claimed are also similar, we are disposing of both these OAs by passing this common order.

OA 121/2000 -

2. In OA 121/2000, the applicant has claimed the following main relief -

"The Respondents be directed to give benefit of the Revised Pay-scale with respect to upgradation

Contd.....2/-

from 1.1.96 to 31.7.99 by giving the pay-scale of Rs.10,000-15200 or in the alternative to sanction 2 additional increments between the aforesaid period and the Respondent be further directed to give the applicant the pay scale of 10,000-15200 for the post of Scientific Officer Grade-D + 2 increments and to pay the entire arrears for the same within a specified time alongwith the interest calculated @ 18% per annum as per market customs".

2.1 The brief facts of the case are that the applicant is working as Scientific Officer, Grade-D. He was promoted from the post of Scientific Officer Grade-C to Scientific Officer Grade-D in the pay scale of Rs.10,000 - 15,200/- by order dated 10.12.1999. The grievance of the applicant is that he has not been granted the upgradation and benefits of revised pay scale w.e.f.1.1.1996 to 31.7.1999 when he was working on the post of Scientific Officer Grade-C. According to him, the respondents have provided incentive to the Scientists/ Engineers in the Department, keeping in view the role played by them in the development of high technology and system for the strategic applications and to attract them to motivate such scientists/engineers to give their best contribution, vide office memorandum dated 3.2.1999. Similarly, the respondents have also granted special pay of Rs.2000/- per month to the Scientists/Engineers in the department in the pay scale of Rs.18400-22400 w.e.f. 1.1.1996. The other Scientists who are in the pay scales of Rs.10000-15,200; Rs.12,000-16,500; Rs.14,300-18,300 and Rs.16,400-20,000 have been granted two additional increments w.e.f. 1.1.1996 after their normal pay fixation. According to O.M. dated 4.6.1999, additional increments for Scientists/Engineers Grade-D, E, F and G are to be treated separately and not to be merged with the basic pay fixed under normal rules and on recruitment/promotion the pay will be fixed under the normal rules without taking into account the normal increment and after such normal pay fixation the additional increments will be granted each time in respective pay scale and since the additional increments are not to be merged with the basic pay and will have to be treated separately and distinctly, there is no need to revise the

Contd.....3/-

pay already fixed on or after 1.1.1996.

2.2 Thus, the pay scale of Tradesman Gr.E, which was Rs.4500-7000 increased to Rs.5000-8000, and the pay scale of Tradesman Grade F was enhanced from Rs.5000-8000 to Rs.5500-9000 and the pay scale of Tradesman Gr-G was enhanced from Rs.5500-9000 to Rs.6500-10,500 and the pay scale of Tradesman Gr-H was enhanced from Rs.6500-10500 to Rs.7650-11500. It is also stated by the applicant that the post of Tradesman Grade-E is equivalent to Draftsman Gr.A and Scientific Assistant Grade-A. Similarly the post of Tradesman Gr.F is equivalent to Draftsman Gr-B and Scientific Assistant Grade-B. Similarly, the post of Tradesman Gr-G is equivalent to Draftsman Gr-C and Scientific Assistant Grade-C. Similarly, the post of Tradesman Gr.H is equivalent to Draftsman Gr-D and Scientific Assistant Grade-D and Scientific Officer Gr-B.

2.3 The case of the applicant has been taken up by the C.A.T.Staff Association by filing a representation but the same was rejected by the respondent no.1 on 4.10.1999 without considering the details and facts mentioned in the representation by one line non-speaking order. Aggrieved by this, the applicant has filed this OA.

O.A.122/2000 -

3. OA 122/2000 has been filed by CAT Staff Association. In this OA the relief sought for is as follows-

> "The respondents be directed to correct the anomaly in the pay scales of the Central Civil Services (Revision of Pay)Rules,1997, which were made applicable with effect from 1.1.1996 with respect to the posts of Tradesman-J= Draftsman E = Scientific Assistant-E = Scientific Officer-C and Tradesman K = Draftsman F = Scientific Assistant-F by giving the pay scale of 10,000 - 15200 and 12000-16500 respectively and be further directed to pay the entire arrears of the same alongwith interest @ 18% per annum as per market customs".

4. The respondents in their reply in OA 122/2000 have since stated that the benefit of further revised pay scale was given to some grades of Tradesmen, Draughtsmen and Scientific Assistants upto the level of Scientific Assitant/D

Contd.....4/-

and equivalent posts, the Scientific Assistant/E and its equivalent technical grades also demanded higher scales of pay. The disparity or rather the lack of uniformity in the extension of 'special pay' 'increments' or 'upgradation of scales of pay', as the case may be, leaving out of consideration certain categories of 'Technical' staff and Group 'A' Non-Gazetted officers by default, has been noticed in the Department and the matter is still under considdration.

5. The respondents in OA 121/2000 have stated that the issue of upgradation of pay scale and or grant of additional increments to Group 'A' (non-Gazetted) Technical Category and Group 'A'(Gazetted) Scientific Category (below SO/D) was considered by an Advisory Committee called 'Balu Committee' set up in the year 2000, which was non-functional since Shri Balu retired soon after its constitution and thereafter, another committee called the Sharma Committee set up in the year 2002 which gave its Report in the same year. According to the 'Sharma Committee' it is the nature of work and not pay scale alone that is the guiding factor to determine the category of personnel to whom the two additional increments are to be granted. It is observed that the grant of two additional increments to the Scientific staff (SO/D to SO/G levels) was keeping in view the role played by them in the development of high technology and systems for strategic applicatcns and to attract, retain, inspire and motivate these categories of Scientists/Engineers and not on account of Vth CPC or Anand Committee Report. The Committee finally concluded that it is not feasible to extend the benefit of additional increments to other technical/scientific employees having identical scales of pay. The recommendations of the Sharma Committee was accepted by the Department and it was also communicated to the Advocate for the CAT Staff Associa-
in April 2002.

and the OA being devoid of any merit is liable to be dismissed with costs.

6. Heard both the learned counsel for the parties and perused the records.

7. The learned counsel for the respondents has submitted that the question of upgradation of pay scales or grant of additional increments to Group 'A'(Non-Gazetted) Technical category and Group 'A' (Gazetted)Scientific category (below SO/D) was considered by the department through a Committee called 'Sharma Committee'. The Sharma Committee in its recommendations has not recommended to extend the benefit of additional increments to other technical/scientific employees having identical scales of pay and, therefore, it is not possible to acceede to the request of the applicant. He has also submitted that the Hon'ble Supreme Court has time and again held that the Tribunals or Courts should not interfere in the matters of grant of higher pay scales as it is the job of expert bodies like pay commissions etc. To support his claim, the learned counsel for the respondents has relied on the decisions of the Hon'ble Supreme Court in the case of Union of India Vs.Tarit Ranjan Das, 2003(8)SCALE 350.

8. On the other hand the learned counsel for the applicants has stated that the department themselves have accepted this anomaly and in their reply they have stated that the disparity or rather lack of uniformity in the extension of special pay, increments or upgradation of scales of pay, as the case may be has been noticed and the matter is still under consideration. He has,therefore, submitted that since the disparity has been admitted by the respondents, they should consider the same sympathetically and remove the anomaly noticed by them after the implementation of the revised pay scale of 5th CPC.

9. We have carefully considered the rival contentions advanced by the learned counsel.

Contd....6/-

10. It is the settled legal position that the Tribunals or Courts cannot look into the question of grant of pay scale. It is the functions of the expert bodies like pay commission. It is also well settled that equal pay must depend upon the nature of work done. It cannot be judged by the mere volume of work done.There may be qualitative difference as regards reliability and responsibility. In the case of Tarit Ranjan Das(supra) their lordships have held as under -

> "10.....Further, the Tribunal and the High Court proceeded as if it was the employer who was to show that there was no equality in the work. On the contrary the person who asserts that there is equality has to prove it. The equality is not based on designation or the nature of work alone. There are several other factors like,responsibilities, reliabilities, experience, confidentiality involved, functional need and requirements commensurate with the position in the hierarchy, the qualifications required which are equally relevant".

In view of the fact that the Tribunal cannot interfere in such matters, we cannot direct the respondents to upgrade the posts and grant two additional increments in these cases. However, this will not preclude the respondents to consider in future the question of grant of two increments or upgradation of pay scale as they themselves have admitted in their reply that there is disparity or rather lack of uniformity in the extension of 'special pay', 'increments' or 'Upgradation of scales of pay, as the case may be. In this view of the matter both the OAs are disposed of, with the above observations.

No costs.

Sd/-
(V.Shantnappa)
Judicial Member

Sd/-
(M.P.Singh)
Vice Chairman