

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

(ORDER RESERVED ON 01.04.2016)

O.A No.060/00654/2014

Date of decision: 12.4.2016

**CORAM: HON'BLE MR. JUSTICE L.N. MITTAL, MEMBER (J)
HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)**

Sohan Lal S/o Sh. Nihala Ram, R/o Village & P.O. Sagha, Distt.
Karnal.

...APPLICANT

BY ADVOCATE: Sh. Naveen Daryal.

VERSUS

1. Union of India through Secretary, Ministry of Urban Development and Poverty Alleviation, New Delhi.
2. Director, D.T.E. of Printing, B-Wing, Nirman Bhawan, New Delhi.
3. Manager, Govt. of India, Press of Nilokheri, District Karnal.

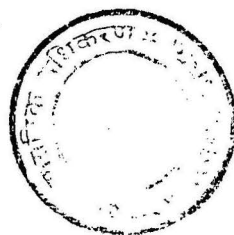
...RESPONDENTS

BY ADVOCATE: Ms. Nidhi Garg.

ORDER

HON'BLE MRS. RAJWANT SANDHU, MEMBER (A):-

1. This Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking "quashing of order dated 12.06.2014 or issuance of a direction to the respondents to allow the 6th CPC as per Rules 01.01.2006 and the similar benefits has been granted by the Govt. Press, Kolkatta and Delhi. However, the applicant is working on the post of Offset Machine Attendant in Govt. of India, Press Nilokheri, but their pay has not been fixed as per Office Memorandum dated 20.11.2009 issued by the Ministry of Urban Development, Directorate of Printing. The applicant is entitled the consequential benefits alongwith interest. The similarly situated employees are




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drawing higher pay scale, which have admittedly juniors to the applicant and the respondents are admitted in the order dated 12.06.2014 that juniors name i.e. Mohan Lal, Parveen Kumar, Sunil Bhushan, Sher Singh, Satpal, Mahabir, Sohan Lal, which were appointed after the applicant."

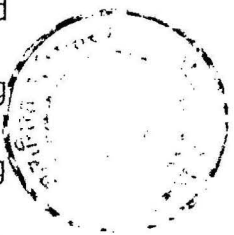
2. It is observed that this OA is a very poorly drafted and confusing document but the sum and substance of the same appears to be that the applicant is getting lesser pay than some of his juniors working as Machine Attendants in Govt. of India Press, Nilokheri, and he seeks to have this position rectified. It is also noted that this is the 2nd round of litigation as the applicant had earlier filed OA No.1607/HR/13 which was disposed of vide order dated 10.12.2013 with direction to the respondents to decide the representation of the applicant in a time bound manner and the impugned order dated 12.06.2014 was passed by the respondent-department consequential to the order of the Tribunal.

3. In the written statement filed on behalf of the respondents, it has been stated that the Director, Dte of Printing, New Delhi had issued OM regarding Modernisation of Govt. of India Presses vide letter dated 09.10.2002. After implementation of the scheme regarding modernization, the post of Machine Attendant (Letter Press) was declared as surplus. The applicant who was working as Machine Attendant (Letter Press) was declared surplus w.e.f. 31.12.2002 vide letter dated 30.01.2003 (Annexure R-4). The applicant submitted his option for



absorption dated 30.06.2007 (Annexure R-5). As per absorption/re-deployment rules, the letter press Machine Attendant with six years regular service in that grade after successful completion of training in offset technology for six months, is eligible for absorption to the post of Offset Machine Attendant. As per his option dated 30.06.2007 he was given six months training in offset technology. After completion of training, the applicant was re-deployed to the post of Offset Machine Attendant in the revised pay scale of Rs.5200-20200+1900 GP w.e.f. 03.03.2008 vide OM A-11015/27/2008-Estt./2725 dated 10.03.2008 (Annexure R-6) granting one increment on 03.03.2008 and the next increment was given to him on 01.07.2009 as per 6th CPC Rules. He had been given 2nd MACP w.e.f. 16.10.2011.

4. It is further stated that the contention of the applicant that some employees are drawing more pay than the applicant, are baseless and hence denied as only 2 employees i.e. Sunil Bhushan, Praveen Kumar (joined on 15.10.1991) are senior to the applicant and getting more pay than the applicant. The other employees i.e. Sher Singh, Sat Pal, Mahabir, Sohan Lal (Joined on 29.09.1994) are junior to the applicant and they are getting less pay than the applicant. The applicant is getting Rs.9130+2000 (Grade Pay), but the 4 junior employees are getting the salary of Rs.8800 + 1900 (Grade Pay). In regard to Sh. Parveen Kumar, Sunil Bhushan and Mohan Lal, it is stated that these employees were not declared surplus during the



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period of implementation of modernization scheme, so they have been given additional increment as compared to the applicant. Hence there is difference of pay between these employees and the applicant, which is as per the instructions issued from time to time. Hence, the claim of the applicant deserves to be dismissed.

5. Later, affidavit dated 21.10.2015 was filed on behalf of the respondents, wherein, it has been stated that the applicant Sh. Sohan Lal was working as Offset Machine Attendant and not Offset Machine Assistant. As per seniority list as on 01.01.2014, the name of the applicant Sh. Sohan Lal is at S.No. 9. As per the seniority list (Annexure A-7) the applicant Sohan Lal was working as Machine Attendant and one Sohan Lal listed at S.No. 12 was shown working as Labourer. As per Annexure A-7, in the second last column it is clearly mentioned therein that the applicant Sohan Lal at S.No. 9 is working as Machine Attendant whereas Sohan Lal at S.No. 12 was working as Labourer and as per the Office Memorandum issued by the Directorate of Printing, with regard to the modernization of Indian Presses, the post of Machine Attendant was declared surplus. The applicant was consequently declared surplus w.e.f. 31.12.2002 vide letter dated 30.01.2003. The details regarding Career Progression of the applicant have been indicated in the following table:-

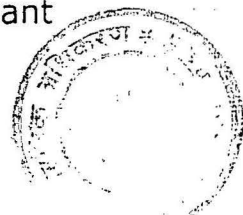
Sr. No.	Name of the post of appointment/confirmation /promotion/up-gradation	w.e.f	Date of order	Pay scale (pre-revised)	Pay scale (revised)
1.	Appointed as Labourer	16.10.91	16.10.91	750-940	2550-3200
2.	Promoted as Machine Attendant (letter	13.08.97	28.08.97	800-1150	2650-4000

	press)				
3.	Regularized as Machine Attendant (L.P)	18.05.2001	18.06.01	2650-4000	-----
4.	He was surplus from 31.12.2002 to 02.03.2008				
5.	On 01.01.2006 his pay was revised as per 6 th C.P.C and Pay fixed as Rs. 5200-20200 + 1800 G.P (Pre revised 2650-4000)				
6.	Redeployed as Machine Attendant (Offset)	03.03.2008	10.03.08	3050-4590	5200-20200+1900/-G.P
7.	2 nd MACP given to him w.e.f 16.10.2011 in the pay scale of 5200-20200+2000 G.P.				

6. It has been reiterated in the affidavit that Sh. Sher Singh, Satpal and Mahabir were juniors to the applicant and they were getting lesser pay than him. However, Sh. Parveen Kumar, Sunil Bhushan and Mohan Lal were working as labourers during the period of implementation of the modernization scheme and thus they were not declared surplus. On grant of increments due to them their pay became higher than the pay of the applicant, who was re-deployed to the post of Offset Machine Attendant on 03.03.2008 by granting him one increment and he was given next increment on 01.07.2009.

7. Another affidavit was filed on behalf of the respondents on 22.03.2016 to clarify the capacity in which the applicant continued to work with the respondents after being declared surplus till his redeployment. It has been stated in this affidavit that during the period of being declared surplus, the applicant was working in the capacity of Machine Attendant (Letter Press) and was re-deployed as Machine Attendant (Offset) vide order dated 10.03.2008 w.e.f. 03.03.2008.

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8. Arguments advanced by learned counsel for the parties were heard, when both sides reiterated respectively the content of the OA, rejoinder, written statement and affidavits filed on behalf of the respondents. The only reason stated by the respondents for the applicant drawing lesser pay than Sh. Mohan Lal and others who were junior to him is that the applicant was declared surplus as he was Machine Attendant (Letter Press) and after training he was re-deployed as Machine Attendant Offset w.e.f. 03.03.2008. At the same time, it is stated that the applicant continued to work as Machine Attendant (Letter Press) during the period that he was declared surplus. Hence, when a common seniority list is maintained in respect of the Machine Attendant (Offset) and Machine Attendant (Letter Press), it has to be accepted that the senior should not be getting lesser pay than his junior. Hence, we are of the view that the ends of justice, will be met if the respondents refix the pay of the applicant at par with his junior Sh. Mohan Lal. Action in this regard may be taken within a period of six weeks from the date of a certified copy of this order being served upon the respondents.

9. No costs.

प्रमाणित सत्य प्रमाणित / Certified True Copy
(RAJWANT SANDHU)
MEMBER (A)
(JUSTICE L.N. MITTAL)
MEMBER (J)

Place: Chandigarh.
Dated: 12.4.2016

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