

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.498/2015

New Delhi this the 3rd day of February, 2015

**Hon'ble Mr. Justice Syed Rafat Alam, Chairman
Hon'ble Mr. Shekhar Agarwal, Member (A)**

G. C. Sharma (Receptionist)
S/o M. C. Sharma,
Aged 48 years,
R/o B-13, Krishi Vihar,
New Delhi 110 048.
Presently posted as
Receptionist
HR (ADMIN) II, Division, CSIR Hqrs,
Anusandhan Bhawan,
Rafi Marg, New Delhi 110 001.

-Applicant

(By Advocate: Shri Malaya Chand)

-V E R S U S-

1. Union of India
Through its Secretary
Ministry of Science and Technology,
Department of Science and Technology,
Technology Bhawan, new Mehrauli Road,
New Delhi 110 016.
2. Council of Scientific and Industrial Research
Through the Director General
Anusandhan Bhavan, Rafi Marg,
New Delhi 110 001.

-Respondents.

(By Advocate: Shri Praveen Swaroop)

O R D E R (Oral)

Justice Syed Rafat Alam, Chairman:

Though the matter is listed today under the heading "Not Ready for Hearing" for the reason that reply was not filed on behalf of the respondents, but it is filed today. Learned counsel for the parties agreed that this matter may be disposed of finally today itself. We accordingly heard Shri Malaya Chand, learned counsel

for the applicant as well as Shri Praveen Swaroop, learned counsel for the respondents.

2. The applicant is aggrieved because of inaction of the respondents in the matter of fixation of his pay scale, despite his representation followed by reminder.

3. It appears that the applicant after selection was given appointment in the pay scale of Rs.950-1500 (pre-revised) to the post of Junior Receptionist (Male) vide order dated 20.03.1991. Pursuant thereto, he joined on 21.03.1991. He completed the residency period of eleven years on 21.03.2002, however, his case for promotion, as claimed by him, was considered by the DPC in its meeting held on 30.01.2003. Pursuant to the recommendation of the DPC, he was promoted in the pay scale of Rs.4000-6000 (revised) w.e.f. 23.03.2002 vide OM dated 11.02.2003.

4. The case of the applicant is that when the DPC was considering his case for promotion, the CSIR notified the scheme for career development of staff belonging to isolated categories of posts vide Circular dated 30.01.2003, and, as such, since his promotion pursuant to the DPC recommendation was subsequent to the date of notification of the scheme in respect of the staff of isolated categories, he should have been placed in the revised pay scale of Rs.5500-9000 in place of Rs.4000-6000. The applicant, therefore, has invoked the jurisdiction of the Tribunal under Section 19 of the Administrative Tribunals Act, 1985, seeking following reliefs:-

- “(a) Direct the respondent to grant the scale of Rs.5500-9000/- to applicant as per CSIR Circular dated 30.01.2003.
- (b) Respondents be directed to pay the arrears along with interest @ 18% per annum.
- (c) Any such other relief/reliefs be award as the Hon’ble Tribunal may deem fit and proper in the interest of justice.”

5. Learned counsel for the applicant vehemently contended that persons junior to the applicant who joined much after him have been given the benefit of new recruitment rules and given the pay scale of Rs.5500-9000, whereas the applicant has not been given the benefit of new RRs, despite repeated representations. He further submits that similarly situated employees working with the respondents under the same organization are getting the pay scale of Rs.5500-9000 after completion of eleven years of residency period, and there appears no reason to deny the same to the applicant, and as such it amounts to hostile discrimination. It is claimed that as per circular of CSIR dated 30.01.2003, the applicant is entitled to get the revised pay scale of Rs.5500-9000 w.e.f. the year 2003. It is also claimed that similar benefit is extended to Shri Jati Ram. It is further pointed out that the new recruits are given higher scale whereas the earlier appointees are placed in the lower scale of Rs.4000-6000 without there being any reason for denial of higher scale.

6. On the other hand, learned counsel for the respondents opposed the prayer and submitted that the applicant has already availed the remedy by filing a representation in respect of the grievance raised in this Application and the same is under

consideration and appropriate decision would be taken soon in accordance with law. She drew our attention to the last parts of the averments made in paras 4.1 & 4.2 of the counter affidavit, wherein, it is averred that the matter of extending the benefit of placing him (applicant) in the new pay scale introduced w.e.f. 30.01.2003 as per CSIR letter dated 30.01.2003 is under examination.

7. We have considered the submissions made on behalf of the parties. It appears that in respect of the grievance regarding fixation of pay, the applicant made first representation dated 24.03.2011, which was followed by reminder dated 13.10.2014, and both are admittedly under examination and are yet to be disposed of by the respondents. Besides that, the matter pertaining to pay scale is required to be considered at the first instance by the Employer/Department, in view of the settled legal position that the matter concerning fixation of pay should be best left to be decided by the Government. Reference in this connection be made to the decisions of the Apex Court in ***Union of India & Another Vs. P. V. Hariharan and Another***, 1997 SCC (L&S) 838; ***Union of India Vs. Makhan Chand Roy***, AIR 1997 SC 2391.

8. In view of the above, we are of the view that it would be appropriate to dispose of this matter at this stage without addressing to the contentions raised in the Application, with the direction to the respondents to examine the grievance of the applicant and dispose of his representation by recoding reasons expeditiously, preferably within a period of four months from the

date of receipt of certified copy of this order. Needless to emphasize that we have not expressed any opinion on the merit of the matter as the same is to be examined by the respondents, at the first instance, by recording reasons. In the event, the applicant is aggrieved by the ultimate decision taken by the respondents on his representation, it would be open to him to avail such remedy available to him under the law.

10. With the above order, this Application stands disposed of, but without costs.

(Shekhar Agarwal)
Member (A)

(Syed Rafat Alam)
Chairman

/pj/