

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA NO.4274/2012

Reserved on 24.05.2016
Pronounced on 27.05.2016

HON'BLE MR P.K. BASU, MEMBER (A)
HON'BLE DR B.A. AGRAWAL, MEMBER (J)

Dev Singh Rawat
S/o late Shri Kalyan Singh Rawat,
R/o Z-495, Opp. B.D. Estate Market,
Timar Pur, Delhi-110054.

...Applicant

(By Advocate: Mr. L.C. Rajput)

VERSUS

1. Union of India
Through its Secretary,
Ministry of Defence,
South Block,
New Delhi-110001.
2. The Scientific Adviser,
Ministry of Defence and Director-
General Research & Development,
Room No.137, South Block,
New Delhi-110001.
3. The Director,
Solidstate Physics Laboratory (SSPL),
Ministry of Defence (DRDO),
Lucknow Road,
Delhi-110054.

...Respondents

(By Advocate: Mr. Ashok Kumar)

: ORDER :

DR BRAHM AVTAR AGRAWAL, MEMBER (J):

The applicant, presently in the pay band 1 with grade pay of Rs.2400/-equivalent to the 5th CPC pay-scale of Rs.4000-6000/-

and holding the post of Assistant Manager-cum-Store Keeper in a DRDO canteen, i.e., the new nomenclature of the post of Canteen Manager Grade II, which he became on promotion w.e.f. 01.01.2008 (vide Annexure R-3), claims that he should be given the pay-scale of the post of Manager Grade II, i.e., the new nomenclature of the post of Canteen Manager Grade I, a post never held by him. Through the instant OA, the applicant prays that the impugned order dated 06.01.2012 (Annexures P-1 and R-9) denying his request made through his application dated 21.02.2011 (Annexures P-4 and R-8) be set aside and that the respondents be directed to fix his pay in the pay band 2 with grade pay of Rs.4200/- equivalent to the 5th CPC pay-scale of Rs.5000-8000/- w.e.f. 01.01.2008 as well as pay him arrears.

2. We have heard the learned counsel for the parties, perused the pleadings and given our thoughtful consideration to the matter.

3.1 On 22.12.2004, the DoP&T had issued the OM No.13/10/2001-Dir.(C) on the subject "Implementation of SIU recommendations on the review of norms for non-statutory Departmental Canteens functioning in Central Government Offices" (vide Annexures P-2 and R-4), following which was issued the DRDO's letter dated 07.07.2008 (Annexure R-5), which reads as under:

"Sub: RE-STRUCTURING OF CANTEEN CADRE POSTS IN DRDO.

Sir,

I am directed to refer to Govt. of India, Deptt of Pers & Trag. O.M. No.13/10/2001-Dir(C) dated 22 Dec 2004 on implementation of SIU recommendations on the revised norms for non-statutory Departmental Canteens and to convey the sanction of the President to the re-designating of the following posts sanctioned in the various canteens in DRDO as indicated below:-

Sl No.	Existing Designation	Pay Scale (in Rs.)	Revised Designation	Pay Scales (in Rs.)
1.	Canteen Attendant 'A'	2550-3200	Canteen Attendant 'A' (Wash boy)	2550-3200
2.	Canteen Attendant 'B'	2610-3540	Canteen Attendant 'B' (Tea/Coffee Maker/Bearer)	2610-3540
3.	@Canteen Attendant 'B' HS	2650-4000	-do-	-do-
4.	Cook	3050-4590	Asstt Halwai-cum-Cook	3050-4590
5.	\$ Cook HS	4000-6000	Halwai-cum-Cook	3200-4900
6.	Canteen Manager Gde III	3050-4590	Clerk	3050-4590
7.	Canteen Manager Gde II	4000-6000	Asstt Manager-cum-Store Keeper	4000-6000
8.	Canteen Manager Gde I	5000-8000	Manager-cum-Accountant/Manager Grade II	5000-8000

Note: @ Promotion made to the pay scale of Rs.2650-4000 as Canteen Attendant 'B' (HS) is to be adjusted against ACP.

\$ Promotion made to the pay scale of Rs.4000-6000 as Cook(HS) is to be adjusted against ACP.

2. All the existing canteen employees will be eligible for promotion as per Govt. of India rules on the subject and ACP Scheme as per Govt. of India Letter No.3/4/2005-Dir(C) dated 14 January 2008.
3. This issues with the concurrence of Ministry of Defence/IF/R&D) vide their ID No.1671/Fin(R&D) dated 30 Jun 2008."

3.2 Annexures R-6 and R-7 state the equivalent 6th CPC pay band and grade pay for each post, the relevant ones already indicated in paragraph 1 (supra).

4. The DRDO canteens and their employees are governed by the above-quoted DRDO's letter, against which no relief has been claimed in the present OA. The applicant's pay fixed as per the said DRDO's letter cannot be said to be legally unsustainable.

5. In the light of the above, we are of the view that the OA is devoid of merits. The same is, therefore, dismissed. No order as to costs.

(Dr. B.A. Agrawal)
Member (J)

(P.K. Basu)
Member (A)

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