

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

REVIEW APPLICATION NO. 170/00010/2016

AND

REVIEW APPLICATION NO. 170/00050/2016

IN

ORIGINAL APPLICATION NO. 1444-1450/2014

DATED THIS THE 22ND DAY OF AUGUST, 2017

HON'BLE SHRI JUSTICE HARUN-UL-RASHID...MEMBER (J)
HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

REVIEW APPLICATION NO. 170/00010/2016

1. The Union of India
Represented by its Secretary,
Ministry of Statistics and Programme
Implementation,
Sardar Patel Bhavan,
Sansad Marg,
New Delhi – 110 001.

2. The Secretary,
Ministry of Finance,
Department of Expenditure,
North Block, Lakshayak Bhavan,
New Delhi – 110 001.

3. The Director General and Chief Executive Officer,
Ministry of Statistics and Programme,
Implementation (NSSO)
Sardar Patel Bhavan,
Sansad Marg,
New Delhi – 110 001.

4. The Additional Director General,
NSSO, Data Processing Division (Head Quarters)
No. 164, GLT Road,
Mahalanobis Bhavan,
Kolkata – 700 108.

5. The Deputy Director General
NSSO, DPC (Centre)

III Floor, 'F' Wing Kendriya Sadana,
Koramangala, Bangalore – 560 034.

... Review Applicants

(By Shri S. Prakash Shetty, Senior Panel Counsel)

Vs.

1. Shri Kumar M.R.,
S/o M.S. Ramu,
Aged 39 years.

2. Shri Raghunatha B.,
S/o BelurAchar,
Aged 41 years.

3. Shri Sreenivasa Murthy R.,
S/o Thirupathathiah R.,
Aged 35 years.

4. Shri Nagaraja A.,
S/o Anjinappa,
Aged 34 years.

5. Shri Vasudeva S.,
S/o M.L. Sathyanarayana,
Aged 34 years.

6. Smt. Lalitha M.,
W/o K. Narasimiah,
Aged 37 years.

7. Shri K.C. Ramaiah,
S/o KattiPolaiah,
Aged 35 years.

(Sl. No. 1 – 7 are working as Group-D. All are working at National Sample Survey Office, Data Processing Centre, 3rd Floor, 'F' Wing Kendriya Sadana, Koramangala, Bangalore – 560 034)

...Review Respondents

(By Advocate Shri Ranganatha S. Jois)

REVIEW APPLICATION NO. 170/00050/2016

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S/o M.S. Ramu,
Aged 39 years.

2. Shri Sreenivasa Murthy R.,
S/o Thirupathathiah R.,

Aged 35 years.

3. Shri Vasudeva S.,
S/o M.L. Sathyanarayana,
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Aged 37 years.

5. Shri K.C. Ramaiah,
S/o KattiPolaiah,
Aged 35 years.

(All are working as Group-D. All are working at National Sample Survey Office, Data Processing Centre, 3rd Floor, 'F' Wing Kendriya Sadana, Koramangala, Bangalore – 560 034)

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... Review Respondents

(By Shri S. Prakash Shetty, Senior Panel Counsel)

ORDER (ORAL)

HON'BLE PRASANNA KUMAR PRADHAN, MEMBER (A):

Both the Review Applications have been filed seeking the review of the order dated 14.08.2015 in OA No. 1444-1450/2014 and therefore have been taken together for hearing and passing a common order. There were 7 applicants in the OAs out of which 5 were non-matriculate and 2 were matriculate. The Tribunal had held that 2 of the applicants who are matriculate are entitled to get their pay fixed in the revised Pay Band of PB1 with Grade Pay of Rs.1800/- with effect from 01.01.2006. For the remaining applicants it did not find any irregularity in the pay fixed with effect from 01.01.2006.

2. The Original Respondents, i.e., the Government of India in have filed RA No. 170/00010/2016 in which they have submitted that out of the 7 applicants applicant No. 2 B. Raghunatha and applicant No. 4 Shri Nagaraja A. were matriculates. Applicant No. 7 Shri K.C. Ramaiah obtained matriculation in March, 2007. The remaining 4 applicants are non-matriculates. However the Tribunal in its order had mentioned that applicant No. 2 and applicant No. 5 Shri Vasudeva S. are matriculates which is not correct. They suggested Shri Vasudeva be substituted by Shri Nagaraja who is a matriculate. They have further submitted that since the employees were

appointed on contract basis they should not get pay fixed in a higher scale with effect from 01.01.2006 and they would be entitled to higher scale only from 01.04.2012.

3. The original applicants filed RA No. 170/00050/2016 in which they have reiterated the fact that Shri B. Raghunatha and Shri Nagaraja A and Shri K.C. Ramaiah among the applicants have passed SSLC and remaining applicants are non-SSLC. They have further submitted that the respondents should have imparted 3 months training to the non-matriculates and allowed the revised payscale of PB-1 with Grade Pay of Rs.1800/- from 01.01.2016 as allowed to regular employees. Hence the Tribunal may reconsider the matter and pass order accordingly.

4. When the matter was taken up for hearing, both the sides reiterated the submission made out in the Review Applications and informed that applicant No. 2, i.e., Shri B. Raghunatha and Shri Nagaraja, applicant No. 4 is matriculate and not Shri Vasudeva S, applicant No. 5. Further Shri K. C. Ramaiah became matriculate in March, 2007. Vide para 11 and 12 of the order it was held that the matriculates are entitled to get the pay fixed in PB-1 with Grade Pay Rs.1800/- with effect from 01.01.2006. Hence in view of the factual position as stated by both side in para 11 and 12 of the said order applicant No. 5 Shri Vasudeva shall be substituted by Shri Nagaraja, applicant No. 4. Since it has been submitted by the original respondents that Shri K.C. Ramaiah has become matriculate with effect from March, 2007 he

will be entitled for pay in the PB-1 with Grade Pay of Rs.1800/- from March, 2007 on the same analogy as that of the 2 matriculates.

5. Therefore we order that necessary modification in para 11 and 12 of the order shall be made to that extent by saying that the pay of Shri B. Raghunatha, applicant no. 2 and Shri Nagaraja A., applicant no. 4 shall be fixed in PB-1 with Grade Pay of Rs.1800/- w.e.f. 01.01.2006. Further Shri K.C. Ramaiah, applicant No. 7, who became matriculate in March, 2007 shall be entitled to PB-1 with Grade Pay Rs.1800/- from that date. As regard the other contention made by the review applicants in both the cases, those issues have already been dealt with in the said order and hence no further review in the order is necessary.

6. Both the review are therefore partially allowed in terms of the above direction. No order as to costs.

(PRASANNA KUMAR PRADHAN)
MEMBER (A)

(JUSTICE HARUN-UL-RASHID)
MEMBER (J)

Ksk

Annexures referred to by the applicants in RA No. 170/00010/2016

Annexure-RA1: Copy of judgment of the Central Administrative Tribunal, Bangalore Bench in OA No. 1444 to 1450/2014 dated 14.08.2015.

Annexures referred to by the applicants in RA No. 170/00050/2016

Annexure-RA1: Copy of judgment of the Central Administrative Tribunal, Bangalore Bench in OA No. 1444 to 1450/2014 dated 14.08.2015.

Annexure-RA2: Copy of OM F.No.1/1/2008-IC dated 24.12.2008 issued by the Ministry of Finance on clarifications regarding pay fixation of existing Group 'D' employees in the revised pay structure.