



**CENTRAL ADMINISTRATIVE TRIBUNAL,
CALCUTTA BENCH
KOLKATA**

O.A.No. 923 of 2011

Date of hearing: 27/09/2016
Date of Order : 5/10/2016

Present:

The Hon'ble Mr Justice Vishnu Chandra Gupta, Judicial Member
The Hon'ble Ms Jaya Das Gupta, Administrative Member

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Prabir Kumar Majumdar, son of Late Rabindranath Majumdar, aged about 48 years, working as Junior Engineer, IWMS Kolkata residing at 100 R.K.T.Road, Chakraborty Para, PO. Haranavi, Kolkata-700148, West Bengal.

.....Applicant

-Versus-

1. Union of India through the Secretary, Department of Telecommunication, Ministry of Communication & IT, Sanchar Bhawan, 2nd Floor, 20 Ashoka Road, New Delhi-110001.
2. The Wireless Advisor to the Government of India, Sanchar Bhawan, 6th floor, 20 Ashoka Road, New Delhi-110001.
3. The Director, Wireless Monitoring Headquarters, Pushpa Bhawan, E' Wing, 3rd Floor, Madangir Road, New Delhi-110001.

.....Respondents

For the Applicant : Mr.S.Sarkar, Counsel
For the Respondents : Mr.U.P.Bhattacharyya, Counsel

ORDER

MS. JAYA DAS GUPTA, AM:

The Applicant, Shri Prabir Kumar Majumdar, has filed this Original Application under section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“(a) A mandate directing the respondents to grant grade pay of Rs. 4600/- instead of Grade Pay of Rs. 4200/- with effect from 01.01.2006;

(b) Declaration of Group ‘B’ Cadre;

2. The case of the Applicant, in brief, is that he was appointed as Junior Engineer (Wireless) on 13th August, 1998 in the pay scale of Rs. 5000-150-8000/- in the 5th CPC period. During 6th CPC period, the pay in the pre revised scales of pay of Rs. 5000-8000, 5500-9000 and 6500-10500/- were merged with effect from 01.01.2006. The GP in the merged post was Rs.4200/-. As a result, the pay of the applicant w.e.f. 01.01.2006 was fixed in the PB-II with GP of Rs. 4200/-. It is the claim of the applicant that as per the recommendation of the 6th CPC, since his pay scale, which was in the pre revised scale of Rs. 5000-8000/- was ultimately merged with pre revised scale of pay of Rs. 6500-10500/- subsequently, his GP ought to have been up graded from Rs. 4200/- to Rs.4600/-, as per extant Rules.

Per contra, the contention of the Respondents is that since he was in the pay scale of Rs. 5000-8000/- during the 5th CPC and not in the pay scale of Rs. 6500-10500/-, during the 6th CPC his pay is to be fixed after merger of scales Rs. 5000-8000/-, 5500-9000/- and Rs. 6500-10,500/-, in Pay Band -II with GP Rs. 4200/-. Accordingly, the Respondents have stated that as Grade

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Pay of applicant was correctly fixed. There being no merit in this OA, the OA is liable to be dismissed.

3. Heard both. Consulted the records.
4. The point for consideration in this OA lies in a narrow compass.

The Learned counsel for the applicant drew our attention to the recommendation of the 6th CPC which was accepted by the Government. The relevant portion of the revised pay scales for certain common categories of staff published in the Gazette of India Extra ordinary Part-B Section I (ii) is extracted herein below for ready reference:

“(ii) On account of merger of pre revised pay scales of Rs. 5000-8000, Rs. 5500-9000 and Rs. 6500-10500 **some posts which presently constitute feeder and promotion grades will come to lie in an identical grade.** The specific recommendations about some categories of these posts made by the Pay Commission are included Section II of Part B. **As regards other posts, the posts in these three scales should be merged.** In case it is not feasible to merge the posts in these pay scales **on functional considerations**, the posts in the scale of Rs. 5000-8000 and Rs. 5500-9000 should be merged, with the post in the scale of Rs. 6500-10500 being up graded to the next pre revised pay scale of Rs. 7450-11500. In case a post already exists in the scale of pay Rs. 7450-11500, the post being up graded from the scale of Rs. 6500-10500 should be merged with the post in the scale of Rs. 7450-11500.”

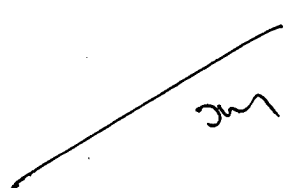
(emphasis supplied)

5. On going through the above para of Sec.I (ii), Part B, it is evident that the pre revised pay scale of Rs. 5000-8000, Rs.55000-9000 and Rs.6500-10500 which constitute presently

feeder and promotional grades will come to lie in an identical grade pay of Rs. 4200/- w.e.f. 01.01.2006. But if in some cases it is not feasible to merge the post on functional considerations with the higher pre revised pay scale of Rs. 6500-10500/- because the persons in the scale of Rs. 6500-10500/-, carry relatively much higher responsibility than those the pay scale of Rs. 5000-8000 and Rs. 5500-9000/-. In those cases, therefore, the pre revised scales of Rs. 5000-8000 and Rs. 5500-9000/- should be merged and the scale of Rs. 6500-10500 carrying GP Rs.4200/- should be up graded to the next higher grade pay i.e. GP Rs. 4600 which corresponds to the pre revised scale of Rs. 7500-11500/-. In case a post is already existing in the scale of pay of Rs. 7500-11500/- the post being up graded from the scale of Rs. 6500-10500 should be merged with the scale of Rs. 7500-11500.

6. It is evident from records that the applicant was a Junior Engineer in the scale of pay of Rs. 5000-8000 in the 5th CPC period and not in the scale of Rs. 6500-10500/-. So he will be entitled to only GP of Rs. 4200/- and not GP Rs. 4600/- as only those posts carrying the pay scale of Rs. 6500-10500 carrying relatively higher responsibility shall be up graded to the next GP of Rs. 4600/-.

7. On the facts mentioned above, we find that there is no necessity to interfere in the pay fixed in the GP of Rs. 4200/- for the applicant. Also the matter of deduction of applicant as



belonging to Gr. B care, the Tribunal lacks jurisdiction as it is a policy decision which needs no interference by us. Accordingly we hold that this OA lacks merit and is dismissed. No costs.

(Ms. Jaya Das Gupta)
Administrative Member

(Justice V.C. Gupta)
Judicial Member

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