

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.181/00906/2016

Thursday, this the 7th day of March, 2019

C O R A M :

**HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER
HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER**

1. K.P.Thangakoya,
Overseer, Lakshadweep Government Press,
Kavaratti Island – 682 555.
Residing at Kakkinipura House,
Union Territory of Lakshadweep,
Kavaratti – 682 555.
2. K.Abdul Khader,
Overseer, Lakshadweep Government Press,
Kavaratti Island – 682 555.
Residing at Kunnam House,
Union Territory of Lakshadweep,
Kavaratti – 682 555. ...Applicants

(By Advocate – Mr.Joby Cyriac)

v e r s u s

1. The Secretary (UD),
Government of India,
Ministry of Urban Development,
Nirman Bhavan, New Delhi – 110 011.
2. The Secretary,
Government of India,
Ministry of Finance,
North Block, New Delhi – 110 001.
3. The Administrator,
U.T of Lakshadweep,
Kavaratti – 682 555.
4. Union of India represented by its Secretary,
Ministry of Home Affairs, New Delhi. ...Respondents

**(By Advocates Mr.T.C.Krishna, Sr.PCGC [R1, 2 & 4]
& Mr.S.Manu [R3])**

These Original Applications having been heard on 19th February 2019, the Tribunal on 7th March 2019 delivered the following :

ORDER

HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER

The applicants are Overseers in the Lakshadweep Government Press (LGP), Kavaratti. The post of Overseer is the top most floor supervisors in the LGP. The Printing Press of the LGP switched over to Photo Litho (Offset) Press from letter press and accordingly the staff requires training to update their new skills. In this connection to bring pay parity amongst printing staff Government has recommended to constitute a Committee for looking various aspects like re-classification of posts, promotion channel and other related matters required for maintaining uniformity in the classification, pay scales etc. of printing staff. The Committee submitted its report pursuance thereto and O.M dated 31st October 1989 has been issued. According to the recommendation in the said O.M the pay scales for Floor Supervisor is recommended Rs.2000-3200. Being the nodal ministry of printing staff, the 1st respondent had acted upon the OM and revised the pay scale of printing staff of different categories working under the Government of India Press (GIP) and Union Territory Presses except Lakshadweep. No reason was stated for non implementation of the recommendations of the aforesaid O.M. Feeling aggrieved by this one of the employee, named, Shri.Attakoya working as Foreman in the LGP Kavaratti has filed O.A.No.663/2008 before this Tribunal which has directed to dispose of his representation and ordered to upgrade the pay scale of three posts such as Foreman, Section Holder and Printing Press Operator at par with their counter parts in the GIP. The Administrator of Lakshadweep forwarded the proposal to Ministry of Urban Development on 29.5.2010 but there was no response. Being aggrieved a few more O.A (Nos.317/2011, 332/2011, 333/2011, 334/2011 and 338/2011 has been filed before this Tribunal.

Ultimately the 1st respondent considered their representations as directed by this Tribunal. As per the OM, there are three categories of pay scale for technical supervisory posts in the Printing Press such Rs.1400-2300, 1600-2660 and 2000-3200. As per the Recruitment Rules of GIP which was existing at the relevant time of the introduction of O.M, the designations of technical supervisory posts were (1) Section Holder (2) Foreman (3) Overseer (4) Technical Officer and (5) Assistant Manager (Technical) and Deputy Manager whereas as per the Recruitment Rules of LGP, technical supervisory posts are (1) Section Holder (2) Foreman and (3) Overseer. Thus it is clear that Overseer is the top most floor (technical) supervisor in the LGP like Assistant Manager (technical) in the GIP and hence its pay scale has to be refixed accordingly. Though the contesting respondents are not disputing these facts, they have ignored the crucial fact. Annexure A-2 proposal also firmly supports the factual position. But without stating any reason the higher pay scale of Rs.2000-3200/- granted to Assistant Manager (technical) and Deputy Manager in the GIP was not granted to the applicants/Overseers while granting pay revision to their subordinates vide Annexure A-4 to A-4(d). The representations of the applicants were considered and rejected on flimsy grounds vide order dated 24.9.2012. Lastly it is submitted that the applicants are entitled to the pay scale equivalent to the Assistant Manager (technical) like GIP which was not granted to them. Hence they approached this Tribunal.

2. The applicant has also filed M.A.No.181/01169/2016 for condoning the delay of 485 days in filing the O.A. For the reasons stated in the application, M.A for condonation of delay is allowed.

.4.

3. Respondents put appearance and filed a detailed reply statement. In the reply statement as preliminary objection it is submitted that the 3rd respondent comes under the administrative control of Ministry of Home Affairs. The 1st respondent, Secretary, Urban Development (Now HUA) does not have any direct role to play in any of the activities prayed for in the O.A. The applicants have arrayed the Secretary, HUA as 1st respondent which is legally not in order. The Printing Presses of Lakshadweep UT Administration does not come under the administrative control of 1st respondent and hence is not a competent authority to take any decision in the cases pertaining to the service matters of the employees of the Union Territory of Lakshadweep. He has relied on Allocation of Business Rules 1961. In a reply to RTI, which is placed by the applicants on record, wherein the Ministry of Home Affairs has stated that it is the administrative Ministry for the Union Territory of Lakshadweep and Ministry of Housing and Urban Affairs is the subject matter of Ministry in respect of Printing Presses of Union Territory of Lakshadweep. Lastly it is submitted that it is the 3rd respondent, Administrator of Union Territory of Lakshadweep to forward the proposal with regard to the reliefs prayed for in the O.A.

4. Heard learned counsel for the parties at length and perused the records. This Tribunal is of the view that the grievance of the applicants have not been looked into by the concerned Ministry and they have been made to run from pillar to post. The upgradation of pay scale is a matter of policy and a decision has to be taken by the Administrator alone in consultation with the Government of India.

.5.

5. In view of what is stated above, this Tribunal once again direct the respondent Administrator to resolve the anomaly in the pay structure as claimed in the O.A by the applicants and the decision so taken in the matter shall be communicated to the applicants within a period of three months from the date of receipt of a copy of this order.

6. The O.A is disposed of with the above directions. No order as to costs.

(Dated ts the 7th day of March 2019)

ASHISH KALIA
JUDICIAL MEMBER

E.K.BHARAT BHUSHAN
ADMINISTRATIVE MEMBER

asp

List of Annexures in O.A.No.181/00906/2016

- 1. Annexure A1** - A true copy of the Office Memorandum No.36(1)-IC/88 dated 31.10.1989.
- 2. Annexure A2** – A true copy of the order No.A-26021/1/2010-Ptg. dated 5.7.2010.
- 3. Annexure A3** – A true copy of the proposal of the 1st respondent along with letter F.No.1/21/2004-LGP dated 29.5.2010.
- 4. Annexure A4** - A true copy of the orders passed by the 1st respondent in O.A.No.317/2011 ie. Order No.C-18013/3/2011-Ptg. dated 12.1.2012.
- 5. Annexure A5** - A true copy of the representation of the 1st applicant dated 20.10.2010.
- 6. Annexure A5(a)** - A true copy of the representation of the 2nd applicant dated 22.11.2010.
- 7. Annexure A6** – A true copy of the common order No.C-18013/7/2011-Ptg. dated 24.9.2012 passed by the 1st respondent rejecting Annexure A-5 & A-5(a).
- 8. Annexure A7** – A true copy of the order dated 23.8.2013 in O.A.No.932/2012 of this Hon'ble Tribunal.
- 9. Annexure A8** - A true copy of the order No.C-18013/7/2012-Ptg. passed by the 1st respondent dated 18.6.2014.
- 10. Annexure A9** - A true copy of the report of the Director, Printing furnished as per the direction of this Hon'ble Tribunal in Annexure A-7.
- 11. Annexure A10** - True copy of the clarifications/information furnished by the Director printing on the request of the 1st respondent in answer to the query made by the 2nd respondent vide No.F.No.C-17011/03/2013-A.II.
- 12. Annexure A11** - True copy of the minutes of the meeting held on 19.3.2014.
- 13. Annexure A12** - True copy of the report dated 29.1.2014 of the Director (Printing).
- 14. Annexure A13** - True copy of the judgment dated 5.9.2016 in OP (CAT) No.166/2016.
- 15. Annexure A14** - True copy of the representation dated 16.7.2014 of the 1st applicant to reconsider the Original representation afresh.
- 16. Annexure A15** - True copy of the U.O Note vide No.6(48)/E-III (B)/98(pt) dated 4.3.2015 of the 2nd respondent seeking clarification from the 1st respondent.

.7.

17. Annexure A16 - True copy of the file note rejecting Annexure A-14 representation vide U.O Nore vide No.6(48/E.III(B)/98(Pt) dated 4.5.2016.

18. Annexure R1 A - True copy of the allocation of Business Rules.

19. Annexure R1 B - True copy of the allocation of Business Rules for Ministry of Home Affairs.

20. Annexure R1 C - True copy of the letter dated 25.8.2014 of the Ministry of Home Affairs.
