

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

ORIGINAL APPLICATION NO. 310/01575/2015

Dated Monday ,the 29th day of July, 2019

PRESENT

**Hon'ble Mr.Justice L.Narasimha Reddy, Chairman
&
Hon'ble Mr.T.Jacob, Member(A)**

1. V.Narayanasamy,
The Pondicherry State P.W.D Executive & Technical
Staffs Union (Reg No.828/RTU/93),
Represented by the General Secretary,
Puducherry- 605 007.
2. E.Natarajan
Laboratory Technician,
Quality Control Wing,
Office of the Executive Engineer(Planning),
Public Works Department,
Puducherry.

By Advocate M/S P.Rajendran

Vs

1. The Union Territory of Puducherry
Represented by the Secretary to Government,
Finance Department, Puducherry.
2. The Secretary to Government,
Public Works Department,
Puducherry.
3. The Chief Engineer,
Public Works Department,
Puducherry.

By Advocate Mr. Syed Mustafa

ORDER

(Pronounced by Hon. Mr. Justice L. Narasimha Reddy, Chairman)

The first applicant is the Union of Executive & Technical staff of Public Works Department (PWD) of Puducherry State and the second applicant is one of its members. They made a representation to the State Government of Puducherry with a request to enhance the pay scale of Lab Technician from Rs.4000-6000 to Rs.5000-8000 w.e.f 01.01.1996. Alleging that the representation was not considered, they filed OA 79/2015 before this Tribunal. The OA was disposed of on 19.01.2015 with a direction to pass orders on the representation. Accordingly, order dated 15.07.2015 was passed by the Government expressing its inability to accede to the request of the applicant and stating that the issue pertaining to revision of pay scale is already under consideration before the 7th Pay Commission, the applicant feels aggrieved by the order dated 15.07.2015.

2. The applicants contend that there are several posts with same qualifications and similar duties, such as Lab Technician in the PWD, are put in a higher scale of pay, whereas, in the case of Lab Technicians of other departments, a lower scale of pay is allowed.

3. The respondents filed a detailed reply opposing the OA. They state that neither the 5th Pay Commission nor the 6th Pay Commission, recommended any revision of pay scale for the post in question and despite that the State Government appointed a One Man Commission and on the basis of the report submitted by it, enhanced the pay scale from Rs.3050-4590 to Rs.4000-6000. It is stated that once the 7th Pay Commission is in progress, there is no scope for undertaking any independent pay revision exercise.

4. We heard Mr.P.Rajendran, learned counsel for the applicant and

Mr.R.Syed Mustafa, learned counsel for the respondents.

5. The pay scale for the post of Lab Technician, during the year 1996 was at Rs.3050-4590. The 5th Pay Commission undertook the task of revision of pay scales of the employees of the Central Government and Union Territories. Its report was implemented w.e.f 01.01.1996. The post of Lab Technician in PWD was specifically dealt with by the 5th Pay Commission but it did not recommend for any revision beyond Rs.3050-4590. Similarly, the 6th Pay Commission which came into existence one decade later, did not recommend any special enhancement except the one made for other posts. Despite that, the State Government has chosen to appoint a One Man Commission and on the basis of the recommendation made by the Commission, issued G.O.Ms.No.6 dated 28.02.2006 and enhanced the pay scale from Rs.3050-4590 to Rs.4000-6000 (pre-revised). In terms of the 6th Pay Commission recommendation it became Rs.5200-20200 with the Grade Pay of Rs.2400. When this itself is a substantial improvement ordered by the State Government, *de hors* the recommendation of the successive Pay Commissions, one cannot expect any better response than this from it. Added to that, the 7th Pay Commission has also come to operation, by the time OA No.79/2015 was disposed of and the impugned order was passed. It is fairly well settled that the Tribunal or court can neither undertake the revision of pay scales nor can they substitute their views for those expressed by the Pay Commissions.

6. We do not find any merit in the OA and is accordingly dismissed. There shall be no order as to costs.

(T.JACOB)
MEMBER(A)

29.07.2019

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

M.T.