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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1904/2003

May
New Delhi this the 7th day of 2004.

HON'BLE MR. SHANKER RAJU, MEMBER (JUDICIAL)
HON'BLE MR. S.A. SINGH, MEMBER (ADMNV)

1. Shri M.C. Katiyar,
14/370, Sector-14,
Vasundhara, Ghaziabad (U.P.).
2. Shri M.K. Agrawal,
A-183, East Kidwai Nagar,
New Delhi-110 023.
3. Shri S.K. Srivastava,
Room No. 572,
Directorate of Sugar,
Krishi Bhawan,
New Delhi.
4. Shri Deepak Yadav,
J-1/166, DDA Flats,
Kalkaji, New Delhi-110 019.

-Applicants

(By Advocate: Shri V.S.R. Krishna)

Versus

Union of India through:

1. The Secretary,
Ministry of Consumer Affairs,
Food and Public Distribution,
Government of India,
Krishi Bhawan, New Delhi.
2. The Secretary,
Ministry of Finance,
Department of Expenditure,
(Implementation Cell), Trikot-1,
Bhikaji Cama Place,
R.K. Puram, New Delhi.

-Respondents

(By Advocate: None)

ORDER (Oral)

Hon'ble Shri Shanker Raju, Member (J)

Applicants who are presently working as Technical Assistants (Sugar Technology) in the Ministry of Food and Consumer Affairs, Department of Sugar and Edible Oil, Directorate of Sugar have already acquired the post-graduation qualification. They joined the post of

Technical Assistants in the pay scale of Rs.425-700 which was revised to Rs.1400-2300. The normal replacement scale as recommended by Vth CPC to the aforesaid pay scale is Rs.4500-7000. In view of a categorical recommendation of Vth CPC where as per the Recruitment Rules, minimum educational qualification for recruitment to a post is post-graduation, pay scale attached to such post has been fixed at Rs.6500-10500. Ministry of Finance (Department of Expenditure) vide OM dated 2.7.99 upgraded the pay scale of Senior Technical Assistants in the Department of Company Affairs. The Technical Assistants working in the Directorate of Sugar have also been given the aforesaid pay scale.

2. The minimum qualification attached to the post of Technical Assistant which applicants possess is post-graduation. They seek parity with other departments by way of representation. The same remained unrespondend to, giving rise to the present OA.

3. The Cadre Controlling Authority, i.e., Ministry of Consumer Affairs despite service is unrepresented. On various opportunities afforded, no reply has come-forth from respondents, their right to file reply is forfeited and the matter is decided on the basis of available pleadings on record in terms of Rule-16 of Central Administrative Tribunal (Procedure) Rules, 1987.

4. In our considered view, once in pursuance of the recommendation of the Vth CPC the post where the minimum educational qualification of post-graduation is attached,

the pay scale has been fixed at Rs.6500-10500 which has also been implemented by the Ministry of Finance in various departments and also in Directorate of Sugar.

5. The cardinal principle of equality on establishment of all functional requirements at par requires the same treatment to be meted out to applicants as well.

6. As the representation of applicants is still unresponded to, the OA stands disposed of with a direction to respondent No.1 to consider the claim of applicants for grant of pay scale of Rs.6500-10500 w.e.f. 1.1.1996 by passing a detailed and reasoned order to be passed within a period of three months from the date of a receipt of a copy of this order. In the event, the claim of applicant is found acceptable, they shall also be entitled to all consequential benefits in accordance with law. No costs.

(S.A. Singh)
Member (A)

7-5-04

san.

(Shanker Raju)
Member (J)

7-5-04