



Data Processing Assistant in Lal Babadur Shastri, National Academy of Administration, Mussoorie (Respondent No.2). The applicants had filed earlier OA 1549/2001 and the following facts can conveniently be delineated from the said OA.

“ By the present OA, applicants three in number and working as Data Entry Operators Gr.B (DEO Gr.B) in the pay scale of Rs.4500-7000 seek directions to the respondents to grant them the scale of Rs.5000-8000 with effect from 1.1.1996. According to the applicants. While accepting the recommendations of the 5<sup>th</sup> Pay Commission (5<sup>th</sup> PC), Government of India on 30.9.1997 have notified the pay scale of DEO Gr.A as Rs. 4000-6000 and DCO Gr.C as Rs. 5000-8000 and omitted the pay scale for DEO Gr.B. It means that DEO Gr.B stood merged with DEO Gr.C and therefore they are entitled to the scale of Rs.1400-2300, now revised to Rs.5000-8000.

2. Needless to state that respondents have denied the aforesaid contentions. They have stated that the recommendations of para 55.71 of the report have been accepted by the Government of India and the upgraded scale of pay applicable for the posts of DEO Gr.A, Gr.C and Gr.D have also been notified vide item No. XXVI of Part B of the First Schedule of the CCS (Revised Pay) Rules, 1997 vide notification dated 30.9.1997. However, in view of the fact that the pre-revised scales of pay Rs.1350-2200 ( which was the revised scale of the applicants) and Rs.1400-2300 had been merged by the 5<sup>th</sup> Pay Commission in a single replacement scale of Rs.4500-7000 as a measure of rationalization and since this scale had also been duly notified in Part A of the First Schedule of CCS (Revised pay) Rules, 1997, this was not separately reflected in Part B thereof. Hence question of omission of the post of DEO Gr.B in Part B of the schedule does not arise and that DEO Gr.B has not been merged with that of DEO Gr.C anywhere in the Pay Commission report or recommendation accepted by the Government of India. This position has been clarified by the Ministry of Finance in its letter dated 24.11.1998. The applicants have been informed accordingly vide letter dated 28.12.1998 and a copy of letter dated 24.11.1998 has also been given to the applicants on 11.1.1999”.

The aforesaid OA was disposed of vide order dated 24.10.2002 with the following directions:

“However from the papers available before us, it is not clear as to any decision has been taken by the respondents with regard to revised pay scale of DEO Gr.B as the same does not figure in the aforesaid notification dated 30.9.97. In view of this position, the present OA is disposed of with the direction to respondents to consider and take a decision at appropriate level and notify the revised pay scale for the post of DEO Gr.B in the gazette notification as has been done in the case of DEOs Gr.A, C and D, as expeditiously as possible and in any event within four months from the date of receipt of a copy of this order”.

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2. In compliance with these directions, the respondents have issued impugned order dated 3.3.2003 fixing the pay scale of the applicants as Rs.4500-7000 in terms of Para 55.71 of the 5<sup>th</sup> Central Pay Commission.

3. The applicants are aggrieved by this fixation considering it discriminatory as they claim that they are entitled to the replacement scale of Rs.5000-8000 which is being paid to DEO Grade C. Applicants claim that the recommendations of the 5<sup>th</sup> Central Pay Commission which have been accepted by the Government are to be followed for giving the replacement scale for certain common categories in the pre-revised pay scale of Rs.1400-2300 as well in terms of the specific general structure for EDP Staff (vide note at (\$) on page 737 Vth Pay Commission Report Volume II). The respondents have completely ignored the note at page 737 of the 5<sup>th</sup> Central Pay Commission for denying them the pay scale which they have given to their counterparts in Grade C. Moreover, the job of DEO Grade B and Grade C are similar and thus there can be no discrimination between these two categories. The nature of duties and responsibilities, minimum qualifications for appointments are also the same and, therefore, while evolving a pay structure, horizontal and vertical relativities have to be balanced, instead the respondents have crept a grave error in fixing the pay scale of applicants in the slab of Rs.4500-7000.

4. This was opposed to by the respondents pleading that the applicants have no cause of action as DEOS Grade B and are not entitled to the revised pay scale of Rs.5000-8000 in terms of Para 55.71 of the 5<sup>th</sup> Central Pay Commission. The Commission had recommended the following general pay structure for Data Entry Operators which has been accepted by the Govt. of India:

"Pay Scales (Rs.)

Designation	Existing	Recommended
Date Entry Operator Grade 'A'	1150-1500	1320-2040 (*)
Date Entry Operator Grade 'B'	1350-2200	1400-2300 (S)

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(4)

Date Entry Operator Grade 'C'	1400-2300	1600-2660
Date Entry Operator Grade 'D'	1600-2660	1640-2900

(\*) The recruitment qualification for this post being 10+2 and 8000 key depressions per hour for data entry work, the pay scale of Rs.1320-2040 would be justified in view of ordinary matriculates being granted the lower pay scale of Rs.950-1500. The pay scale of Rs.1150-1500 presently available to DEO Grade 'A' is also proposed to be abolished in the proposed general pay structure.

( \$ ) In some organizations DEO Grade 'B' is the initial pay scale for Data Entry Operators. The recruitment qualification in such organizations for the post of DEO Grade 'B' is graduation + Aptitude Test or Diploma/Certificate in Computer Application/Programming + Speed of 8000 depressions per hour. The proposed Pay Scale of Rs.1400-2300 is, therefore, justified in the light of general principles being proposed by us for revised pay structure".

As per Para 55.71 of the 5<sup>th</sup> Central Pay Commission, DEOS Grade B have been recommended the pay scale of Rs.1400-2300 and vide Part - A of the First Schedule of Central Civil Services ( Revised Pay) Rules, 1997, the revised scale for Rs.1400-2300 is S-8 which is Rs.4500-7000. Hence, the DEOS Grade B have been given this revised pay scale as per the recommendations of Para 51.71 of the 5<sup>th</sup> Central Pay Commission.

5. The respondents also pleaded that it was incorrect to say that the DEOS Grade B have been omitted in Part-B of the revised pay scales because Part A of the First Schedule clearly indicate that all the posts/grades which are not separately notified in Part 'B' of the Schedule will be as per Part A of the First Schedule. In view of this, posts carrying scale of Rs.1400-2300 and Rs.1350-2200 were revised to Rs.4500-7000. Hence, DEOS Grade B are covered by this stipulation. They have also contested that it is wrong to say that the duties and responsibilities of DEOS Grade 'B' and 'C' are the same.

6. The applicants in their rejoinder pleaded that DEOS Grade 'A' who were in the existing scale of Rs.1150-1500 as per replacement scale Part-A of the First Schedule were to be given the revised scale of Rs.3050-4590 (S-5) but have been given the higher grade of Rs.4000-100-6000 (S-7) as per Part B of First Schedule. Similarly, DEOS Grade 'C' who were originally in the scale of Rs.1400-2300 should have been revised in

the scale of Rs.4500-125-7000 (S-8) which later on have been given the higher grade of Rs.5000-150-8000 (S-9) as per part 'B' of the Schedule. It is only DEOS Grade B who have not been given the higher grade.

7. We have heard the learned counsel for the parties and have gone through the documents on record. The short question before the Tribunal is whether the principle followed for grant of revised pay scales to DEOS Grade 'C' and 'A' has been followed for DEOs Grade B.

8. In the Part A (First Schedule), the replacement scale for the existing scale accepted by the Government has been given. The scales relevant for our purposes are reproduced:

Post/Grade	Present Scale (Rs.)	Revised Scale (Rs.)
S-5	950-20-1150-25-1400 950-20-1150-25-1500 1150-25-1500	3050-75-3950-80-4590
S-6	975-25-1150-30-1540 975-25-1150-30-1660	3200-85-4900
S-7	1200-30-1440-30-1800 1200-30-1560-40-2040 1320-30-1560-40-2040	4000-100-6000
S-8	1350-30-1440-40-1800-50-2200 1400-40-1800-50-2300	4500-125-7000
S-9	1400-40-1600-50-2300-60-2600 1600-50-2300-60-2660	5000-150-8000

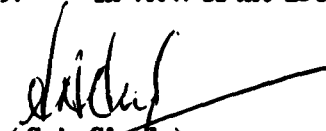
The replacement scales as per Part 'A' for the Data Entry Operator, grades A, B and C and the scale actually given in terms of Para 51.71 of the 5<sup>th</sup> Central Pay Commission is as under:

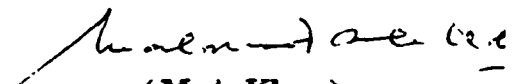
Designation	Existing Scale	Recommended Scale (By Vth CPC para 51.71)	Replacement Scale for (3)
(1)	(2)	(3)	(4)
Date Entry Operator Grade 'A'	1150-1550	1320-2040	1420-2600 (S-7)
Date Entry Operator Grade 'B'	1350-2200	1400-2300	4500-7000 (S-8)
Date Entry Operator Grade 'C'	1400-2300	1600-2660	5000-8000 (S-9)

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From the study of the above it is clear that existing pre-revised scales for DEO's Grade A, B & C shown under col.2 have been upgraded to those shown under col.3 as per recommendations of 5<sup>th</sup> CPC in para 51.71. Scrutiny of part A (Schedule I), relevant portion of which has been reproduced in Para 8 shows that the scales allowed by the respondents in col.4 are in conformity with the replacement scales accepted by the Government. It is apparent from the study of the two tables that DEOs Grade 'B' have been granted replacement scales equivalent to the higher scale recommended in para 51.71. We therefore, see no discrimination as the applicants have already been granted replacement scale as per the recommendations of the 5<sup>th</sup> CPC.

9. In view of the above, the OA fails and is accordingly dismissed. No costs.

  
( S.A. Singh )  
Member (A)

  
( M. A. Khan )  
Vice Chairman (J)

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