

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/20/1296/2013

Dated: 22/10/2019

Between

1. National Federation of Atomic Energy Employees (NFAEE)
Rep. by Secretary General,
K.V. Jayaraj, S/o. late Krishnan
Nambiar, aged about 54 years,
NFAEE Office, Opp. Niyamak Bhavan,
Anushaktinagar, Mumbai - 94,
Working as Scientific Assistant (E),
BABA Atomic Research Centre,
Tromby, Mumbai - 400 085.
2. Heavy Water Plant (Manuguru)
Scientific Assistant and Supervisor Staff Association
Rep. by General Secretary,
J.V.S.R. Krishna, S/o. J.V. Linaiah,
Aged about 55 years,
Goutaminagar, Aswapuram,
Khammam District,
Working as Scientific Assistant (E),
Heavy Water Plant, Manuguru, Khammam.
3. Nuclear Fuel Complex Supervisory Staff Association (NUFCOSSA) rep. by
General Secretary, S. Kiran Kumar,
S/o. Devadas, aged about 37 years,
Nuclear Fuel Complex, ECIL Post,
Hyderabad - 62, working as Scientific Assistant (E),
National Fuel Complex, ECIL Post, Hyderabad.
4. Gaddam Ramesh, S/o. G. Shankariah,
Occ: Scientific Assistant,
Heavy Water Plant, Manuguru,
Khammam District.
5. I. Pawan Kumar, S/o. I. Nagamohana Rao,
Occ: Scientific Assistant,
Nuclear Fuel Complex, ECIL Post, Hyderabad - 2.

... **Applicants**

And

1. Union of India rep. by
The Secretary, Department of Atomic Energy,
CSM Marg, Anushakthi Bhavan,
Mumbai - 400 001.
2. The Chief Executive,
Heavy Water Board, V.S. Bhavan,
Anushakthi Nagar, Mumbai - 400 094.
3. The Chief Executive,
Nuclear Fuel Complex, ECIL Post,
Hyderabad - 500 062.

... **Respondents**

Counsel for the Applicants : Dr. A. Raghu Kumar
 Counsel for the Respondents : Mr. V. Vinod Kumar, Sr. CGSC

CORAM :

Hon'ble Ms. Manjula Das, Member (Judl.)
Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORAL ORDER

{Per Hon'ble Ms. Manjula Das, Member (Judl.)}

This O.A. has been filed u/S 19 of the A.T. Act, 1985 by the National Federation of Atomic Energy Employees (NFAEE), represented by Secretary General, K.V. Jayaraj as Applicant No.1, Heavy Water Plant (Manuguru Scientific Assistants and Supervisory Staff Association rep. by General Secretary J.V.S.R. Krishna as Applicant No.2, Nuclear Fuel Complex Supervisory Staff Association (NUFCOSSA), represented by General Secretary S. Kiran Kumar and also two individuals, praying for the following relief:

öí . .to declare the action of the respondents in not granting Grade Pay of Rs.4600/- to the feeder grade of Scientific Assistant -BØ and proportionate enhancement of Grade Pay to the higher grades of SA/C, SA/D, SA/E, SA/F and SA/G as is done in the case of Scientific Assistants/ Technical Assistants working in the Department of Space which is an organization within the ambit of Department of Atomic Energy earlier and forming part of and having parity with the Scientific Assistants/ Technical Assistants in the Department of Atomic Energy, all along, as is illegal, arbitrary, violative of principles of natural justice, violative of Article 14 & 16 of the Constitution of India and rules on the subject matter and consequently direct the respondents to grant Rs.4600/- as GP to SA/B and proportionate higher GP to SA/C, D, E, F and G in DAE in the interest of justice.ö

2. The main grievance of the applicants herein is that the respondents even after several requests and approaches, have not granted Grade Pay of

Rs.4600/- to the feeder grade of Scientific Assistant -BØ and proportionate enhancement of Grade Pay to the higher grades of SA/C, SA/D, SA/E, SA/F and SA/G as is done in the case of Scientific Assistants/ Technical Assistants working in the Department of Space which is an organization within the ambit of Department of Atomic Energy earlier and forming part of and having parity with the Scientific Assistants/ Technical Assistants in the Department of Atomic Energy.

3. Heard Dr. A. Raghu Kumar, learned counsel for the applicants and Sri Sambasiva Rao representing Sri V. Vinod Kumar, learned Senior Standing Counsel appearing for the respondents.

4. Dr. A. Raghu Kumar, assisted by Sri B. Pavan Kumar fairly submitted that the issue herein has to be settled by the department at their end. A representation is accordingly made on 26.9.2012 by the General Secretary of NFAEE, General Secretary of HWPM SASSA & General Secretary, NUFCOSSA to the Secretary to Govt. of India, Department of Atomic Energy (Respondent No.1). However, the same is still not attended to and is pending for long about 7 years. The act of the respondent authorities is not appreciated. The same ought to have been responded to by Respondent No.1. Accordingly, he prayed this Tribunal to direct the 1st Respondent consider their case in an appropriate manner.

4. On the other hand, Sri Sambasiva Rao representing the respondents submitted that the applicants are not entitled to get the relief prayed in this O.A. He has drawn our attention to para 7 of the counter reply which reads as under:

07. The applicants solely reply upon the pay scales operated in another department i.e. Department of Space for their claim for higher pay scales. The applicants have not laid down any relevant records in the matter. The methods of recruitment or movement of personnel on promotion from one level to next level are entirely different in the respondent organization. Further, the time periods of residency prescribed for the promotions from one level to the next have been prescribed on a totally different basis in the respondent organization. It has been submitted by the applicants themselves that minimum eligibility period for consideration for promotion from one level to the next higher level are not only different but also speeded or accelerated in the respondent organization. Therefore, it is clear that the applicants are already enjoying the benefit of faster promotions than the employees of the Department of Space. It is always open to an employer to adopt a policy for fixing service conditions of his employees. Such policy, however, must be in consonance with the Constitution of India and should not be arbitrary, unreasonable or otherwise objectionable. The applicants have not made any ground on these issues and failed to justify their claim.º

However, he submitted that he has no objection if the Govt. of India take a decision on their own.

5. By accepting the prayer made by the learned counsel for the applicants and the no objection expressed by the counsel appearing for the respondents, we deem it fit and proper to send back the matter to the department to take a decision. Accordingly, we direct the applicants to produce this Original Application before the 1st Respondent within a period of one month from the date of receipt of a certified copy of this order and on receipt of the same, Respondent No.1 shall treat this O.A. along with the representation dated 26.9.2012 as a comprehensive representation and take a final decision, by appointing a High Power Committee and by affording an opportunity of personal hearing to the Secretaries of the applicant Associations. Respondent No.1 shall solve the long pending issue and give

relief to the heart burn of the employees, who are deprived of getting the Grade Pay of Rs.4600/- . The entire exercise shall be carried out within a period of four months thereafter and the decision so arrived at shall be communicated to the parties thereafter. Liberty is however granted to the applicants to approach this Tribunal, if they are not satisfied with the decision of the Government of India.

6. With the above observation, the O.A. is disposed of. No order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)
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(MANJULA DAS)
MEMBER (JUDL.)