

(2003) 07 MAD CK 0192

In the Madras High Court

Case No : Writ Petition No. 18633 of 2003

The Director, Tuberculosis Research Centre Mayor V.R.
Ramanathan Salai and The Director General, Indian Council
of Medical Research

APPELLANT

Vs

Central Administrative Tribunal Chennai Bench and S.
Boopathy

RESPONDENT

Date of Decision : 08-07-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 07 MAD CK 0192

Hon'ble Judges : V.S. Sirpurkar, J;M. Thanikachalam, J

Bench : Division Bench

Advocate : S. Jayaraman and M.T. Arunan, ACGSC, for the Appellant;

Final Decision : Dismissed

Judgement

1. We do not find any merit in the writ petition. The petitioners have come up against the order of the Central Administrative Tribunal, (hereinafter called "Tribunal") whereby the Original Application of the second respondent has been allowed and the petitioners herein were directed to consider him for the grade of Data Entry Operator Grade-E. The other monetary benefits have also been directed to be given to him.

2. The learned counsel for the petitioners, Mr. Jayaraman points out that the second respondent was inducted into a project on 26.12.1973. After the closure of that project, he was reinducted in another project on 21.2.1976, where he was promoted for the first time as a Console Operator. On 7.12.1982, that project was also closed and therefore, he came to be absorbed in the petitioners' organization with effect from that date on the pay scale of Rs. 425-700, which pay scale was ultimately revised to Rs.1400-2300. The fact remains, therefore, that the second respondent continued to be working as a Console Operator in the pay scale of Rs.1400-2300 till he was given the benefits of career advancement

schemes and his pay scale was raised to Rs. 1640-60-2600-EB-75-2900. It is then that a revision exercise was taken by a Committee. As per its suggestions, the second respondent's post of Console Operator came to be equated to the post of Data Entry Operator Grade "D" in the pay scale of Rs. 1600-2660. Accordingly, now the second respondent who was way ahead of that position is being sought to be brought back to the scale of Rs. 1600-2660 on the logic that he was working as a Console Operator and as such his post has been equated to the post of Data Entry Operator Grade "D". The second respondent challenged that.

3. Mr. Jayaraman urges before us that an increment granted to the second respondent and his upliftment to the scale of Rs. 1640-2900 was by way of career advancement and therefore, that should not be deemed to be his pay scale. It would only mean that his pay scale remained the same at Rs. 1400-2300, yet, he was permitted to draw the pay on the basis of the pay scale of Rs. 1640-2900. The learned counsel therefore says that it should never have been deemed to be the pay scale of the second respondent and therefore, the Tribunal was in error in allowing the Original Application.

4. We will not go into that question as to what is the effect of the career advancement and what is precisely the basic pay scale of the second respondent. There is a document on record (page 22 of the typeset) viz., the recommendations on revised pay scales made by a committee headed by Dr. Padamsingh which was constituted on 22.4.97. This committee suggested the parity of posts and the revision of pay scales of various posts including Console Operator. As per this itself, entry No.3 pertains to Computer Operator, Data Entry Operator, Console Operator, Data Entry Operator, Programming Assistant, Data Processing Assistant and Statistical Assistant drawing a pay scale of Rs. 1400-2300. These posts have clearly been equated and brought in parity to the post of Data Entry Operator Grade "D" and the revision has been suggested to that post of Rs.1600-2600 from their original pay scale of Rs. 1400-2300. It is this entry which is heavily relied upon by Mr. Jayaraman, who suggests that since the post of the Console Operator is mentioned in this entry, the Tribunal was wrong in giving a finding that the second respondent could have been given the post of Data Processing Assistant Grade "E".

5. There is however a further entry No.4 solely for "Console Operator". When we look into this entry in the document, it merely pertains to the post of Console Operator solely, the pay scale of which is mentioned to be Rs.1640-2900. This post is however equated to the post of Data Entry Operator-Grade "E" and it is precisely because of this entry that the Tribunal has held that the original applicant, the 2nd respondent herein was liable to be made Data Entry Operator-Grade "E". We do not find anything wrong in the conclusion reached by the Tribunal. It is obvious that two kinds of Console Operators came to be considered in this document on the basis of the pay scales drawn by them. Originally both these Console Operators were brought in parity with Data Entry Operators-Grade

"D". They were only such Console Operators who were drawing the pay scale of Rs. 1400-2300, yet, in this very department, there were such other console operators like the second respondent, who were drawing the pay scale of Rs. 1640-2900, may be because of the career advancement scheme. However, they have been treated differently and that is what the Tribunal has held that since the second respondent was drawing the pay scale of Rs. 1640-2900, he was bound to be given the further pay scale of Rs. 2000-3200 applicable to Data Entry Operator-Grade "E". We do not think that there could be any fault found in the Tribunal's reasoning. We are convinced that the petition has no merits and the petition deserves to be dismissed.

6. Mr. Jayaraman urges that this should be made applicable only to the second respondent. There is no question of our making it applicable only to the second respondent because, it is only the second respondent who has come before the Tribunal. Therefore, we need not give any general direction as such. The writ petition is dismissed. No costs. WPMP 23301 of 2003 is closed.