



**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

Original Application No. 350/00701/2013

Date of Order: This, the 11th day of December 2019.

THE HON'BLE SMT. MANJULA DAS, MEMBER (J)
THE HON'BLE MR. NEKKHOMANG NEHSIAL, MEMBER (A)



Alok Kumar Khan
Son of Late Santosh Kumar Khan
Retired Joint Registrar
CAT, Calcutta Bench and residing at
Flat No. R-13, Cluster-III, Purbachal Housing Estate
Salt Lake, Kolkata – 700097.

...Applicant

By Advocate: Mr. S.K. Datta

-VERSUS-

1. Union of India represented through the
Secretary to Government of India
Department of Personnel & Training
Ministry of Personnel, Public Grievances
& Pensions, North Block, New Delhi – 110001.
2. The Principal Registrar
Central Administrative Tribunal
Principal Bench, New Delhi – 110001.
3. The Registrar, Central Administrative Tribunal
Calcutta Bench, Nizam Palace
Kolkata – 700020.

... Respondents

By Advocate: Mr. R. Basu

ORDER

NEKKHOMANG NEIHSIAL, MEMBER (A):

By this O.A., the applicant is seeking the following reliefs:-



a) To quash and set aside the letter dated 12/03.10.2012 issued by the Respondent No. 2, letter dated 10.10.2011 issued by the Respondent No. 1 and the Revised Pay Fixation order dated 25.06.2012 issued by the Respondent No. 3;

b) Direct the respondents to extend the benefit of Office Memorandum dated 10.03.2010 issued by the Respondent No. 1 – DOP&T while fixing the pay of the applicant on his appointment on promotion as Joint Registrar by granting two increments i.e. equivalent to 6% of their basic pay.

c) Direct the respondents to recalculate/refix and grant all the consequential retiral benefits including pension etc.

d) Grant such other reliefs as are deemed fit, just, fair and reasonable in the facts and circumstances of the case, including consequential benefits with cost of the litigation.

2. Grounds for relief as sought by the applicant are as under:

(A) Because it is an admitted fact that the three consecutive Central Pay Commissions have maintained parity between the officers working in the Central Secretariat and the Central Administrative Tribunal. However, when the respondents derailed the parity declared by the Pay Commissions and enhanced the pay of the staff working in the Central Secretariat, it has been interfered by the Tribunal and directions were issued to maintain the parity established by the Pay Commissions.

(B) Because the directions given by the Tribunal for grant of equal pay to the staff working in the Central Administrative Tribunal with that of the staff working in the Central Secretariat have been accepted and implemented by the Govt. of India in the cases of S.R. Dheer & Ors., S. K. Sareen and

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again in recent cases of S. R. Dheer & Ors. and Smt. Sunita Dutt & Ors.

(C) Because if FR 22 (1)(a)(1) and FR 5.1 are compared, the provision in both the rules is exactly the same, i.e. one increment of 3% in lower grade is to be granted. However, in case of promotion to the post Joint Registrar, the pay of the applicant is to be fixed in terms of FR 22 (1)(a)(1)/FR 5.1, Appendix 5 read with Office Memorandum of the DOP&T dated 10.03.2010 by granting two increments equivalent to 6% on their appointment on promotion to the post of Joint Registrar since it has already been settled by various judgments of the Tribunal that what is applicable to the staff of the Central Secretariat would, *mutatis mutandis*, be applicable to the staff of the Central Administrative Tribunal.

(D) Because in the matter of fixation of pay of the applicant, he is being discriminated with the officers working in the Central Secretariat since he has been denied the benefit of Office Memorandum issued by the DOP&T dated 10.03.2010.

(E) Because the representation of the applicant has been rejected by Respondent No. 2, vide their letter dated 12/07.03.2012 annexing the DOP&T letter dated 10.10.2011 without application of mind and as such it is not sustainable in law and requires to be quashed and set aside.



3. Facts of the case are that the applicant was promoted to the post of Deputy Registrar on ad-hoc basis on 30.04.2003 and he was subsequently regularized in the said post with effect from 24.12.2004 in the Pay Band of Rs. 15600-39100/- with Grade Pay of Rs. 6600/-. Thereafter, he was appointed on promotion to the post of Joint Registrar on regular basis with effect from 05.01.2012 in the Pay Band of Rs. 15600-39100/- in PB-3 with Grade Pay of Rs. 7600/- vide Office Order dated 02.01.2012 and he was posted as Calcutta Bench

Manish Aggarwal

of Central Administrative Tribunal. A Circular dated 10.03.2010 was issued vide OM bearing No. 18/3/2008-CS.I(P) by the Department of Personnel Training wherein it was conveyed that at the time of promotion of Under Secretary (CSS)/Principal Private Secretary (CSSS) to the grade of Deputy Secretary/Senior PPS, the pay of the Officers of CSS/CSSS may be fixed as per procedure laid down vide Rule 13 of CSS (RP) Rules 2008 by granting an amount equal to two increments, i.e. by granting two increments equal to 6% of the basic pay. It was also provided that to the figure so arrived at a sum of Rs. 1000/- i.e. the difference between the Grade Pay of Under Secretary (Rs. 6600/-) and Deputy Secretary (Rs. 7600/-) may be added. It was also provided that those orders should apply to all cases of promotion of the Grade of Under Secretary (CSS)/Principal Private Secretary (CSSS) to the Grade of Deputy Secretary (CSS)/Senior Principal Private Secretary (CSSS) made on or after 01.01.2006.



4. The applicant was in the rank/grade of Under Secretary (CSS) as Deputy Registrar of the Central Administrative Tribunal and got promotion in the rank/grade of Deputy Secretary (CSS) as Joint Registrar of the Central Administrative Tribunal after the said cut

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off date of 01.01.2006 as he was granted promotion to the equivalent post of Joint Registrar with effect from 05.01.2012 by the order dated 02.01.2012, he made a representation to the respondent No. 2 on 20.01.2012 inter-alia requesting to grant him the benefits of the said OM dated 10.03.2010 and to grant two increments equal to 6% of his basic pay on his promotion as Joint Registrar of Central Administrative Tribunal as the Staff and Officers in the Cadre of Stenographers/Private Secretaries/ Section Officers and Deputy Secretaries and Deputy Registrar onwards have already been decided to be treated at par with the Officials of the equivalent grade of CSSS and CSS.



5. On his promotion, his pay has been fixed in the pay scale by granting one increment of 3% in terms of the Clarification issued by the Principal Bench vide their letter No. PB/17/11/2005-Esii.I/4789 dated 21.06.2012. Aggrieved with this, the applicant submits that since his pay scales of CAT's having historical pay parity with the pay scales of CSS/CSSS, he should have been given the benefit of pay fixation as contained in the DoP&T letter No. 18/3/2008-CS.I(P) dated 10.03.2010 by giving him two increments equal to 6% of his pay. This has not been accepted by the DoP&T as conveyed vide Principal

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Bench letter No. PB/17/11/2005-Estt.I dated 07/12.03.2012.

6. We have carefully gone through the papers and copies of the orders submitted by both the parties. It is seen from the submission made by the applicant that his contention is basically relying on the adjudication of the orders of the Central Administrative Tribunal in respect of **S.R. Dheer & Ors. (O.A. No. 164/2010) and S.K. Sareen (O.A. No. 777/1992)** etc.



7. We have perused the judgments of the CAT, PB in respect of **S.R. Dheer & Ors. and S.K. Sareen**. The two judgments have extensively examined the issues being raised by the applicants therein. It is found that these two cases pertain to the parity of pay scale of Stenographer, Private Secretary, Principal Private Secretary/Deputy Registrar of the Central Administrative Tribunal with those of the CSS/CSSS.

8. In the written statement dated 04.04.2014 at para 8, the respondent authorities pointed out that the cases cited by the applicant pertains to revision of pay scale and not revision of rate of increment. As such, the claim of the applicant is not sustainable in the eye of law.



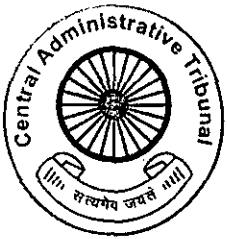
9. We have examined in detailed. It is indeed found that the issue is of method of fixation of pay of under Secretary (CSS)/PPS (CSSS) on their promotion to Deputy Secretaries (CSS)/Sr. PPS (CSSS). As per DOP&T's Office Memorandum No. 18/3/2008-CS.I(P) dated 10.03.2010, their pay is to be fixed as per the procedure laid down vide Rule 13 of CCS (RP) Rules 2008 by granting an amount equal to two increments i.e. by granting two increments equal to 6% of their pay. It also stipulated that to the figure so arrived at, a sum of Rs. 1000 i.e. difference between the grade pay of Under Secretary (Rs. 6600) and Deputy Secretary (Rs. 7600) may be added. This clarification of the DOP&T also has since been conveyed by the office of Principal Bench of Central Administrative Tribunal vide their letter No. PB/17/11/2005-Estt. Dated 07.03.2012. As highlighted by the office of the Principal Bench of Central Administrative Tribunal, this particular provision of method of pay fixation has a limited application to CSS/CSSS and do not pertain to cases to other general civil services

10. Keeping in view of the above and also the fact that the cases/judgments cited by the applicant are only in respect of parity in pay scale and not with

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reference to the method of pay fixation in the relevant grade of pay scale from Under Secretary (equivalent to Deputy Secretary), hence we find that the present O.A. is devoid of merit and does not have any basis for intervention by this Tribunal.

11. Accordingly, O.A. is hereby dismissed.
There shall be no order as to costs.



(NEKKHOMANG NEIHSIAL),
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

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