

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No-1666/2014

MA No-1449/2014

New Delhi, this the 19th day of February, 2020

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

Hon'ble Mr. A.K. Bishnoi, Member (A)



1. Jitender Kumar Saxena (Aged about 5-years), Gr C
S/o Sh. Om Prakash Saxena
R/o 44/12, CVD Lines, Delhi Cantt.
2. Inder Singh Solanki (Aged about 55 years)
S/o Sh. Sher Singh
R/o WZ-697, Gali Rerapur
Mohalla Badiyal, Bata Chowk
Palam Village, Delhi.
3. Purshottam Singh (Aged about 39 years)
S/o Sh. Fateh Singh
C/o Fire Bridge, CVD Delhi Cantt.
4. Dinesh Kumar (Aged about 33 years)
S/o Sh. Sant Kumar
R/o Village Agwanpur
PO Gandur, Sonipat (Haryana).
5. Manu Tyagi (Aged about 35 years)
S/o Sh. Jagat Singh
R/o Atrara, Meerut, UP.
6. Ved Prakash (Aged about 36 years)
S/o Sh. Bijender Kumar
R/o Village & PO Sampla
Rohtak, Haryana.
7. Suresh Singh (Aged about 56 years)
S/o Sh. Data Ram Yadav
R/o Village & PO Bharawas
Teh. & Distt. Rewari, Haryana.

8. Jai Prakash (Aged about 39 years)
So Sh. Laheri Singh
C/o Fire Bridge, CVD Delhi Cantt.
 9. Om Prakash Mishra (Aged about 41 years)
S/o Sh. Raghu Raj Mishra
R/o P-200/4, CVD Lines, Delhi Cantt.
 10. Joginder Singh (Aged about 52 years)
S/o Sh. Khajan Singh
R/o RZ-07, Raj Nagar Part-I
Palam, New Delhi. ... Applicants
- (through Sh. B.L. Wanchoo)



Versus

1. Union of India
Through its Secretary
Ministry of Defence, South Block, New Delhi-11001.
 2. The Secretary
To the Govt. of India
Ministry of Finance
North Block, New Delhi-110001.
 3. The Director General
Ordnance Services
New Delhi-110001.
 4. The Chief Record Officer
AOC Records
Secundrabad, Andhra Pradesh
Pin-900453. ...Respondents
- (through Sh. Subhash Gosain)

ORDER (Oral)

Mr. Justice L. Narasimha Reddy, Chairman



The applicants were working as Fire Engine Drivers (FED), Grade B, in the Ministry of Defence, by the year 2006. According to them, the pay scale for that post up to 31.12.2005 was 4000-6000. The 6th Central Pay Commission recommended the re-organization of the post of the FED and indicated the respective pay scales. The Government has also implemented the recommendations. The grievance of the applicants is that, though they were entitled to be put in the Grade Pay of 2800/-, they were only granted the Grade Pay of Rs. 2400/-.

2. The applicants contend that the pay scale for the post of Station Officer was same as that of FED Grade-B till 31.12.2005 and after implementation of the recommendation of the 6th CPC, the post of Station Officer was put in the Grade Pay of Rs. 2800/-, whereas the post of FED was put in the Grade Pay of Rs. 2400/-. They filed this OA, with a prayer to direct the respondents to grant them, the pay scale in the Pay Band-1 of Rs. 5200-20200 with Grade Pay of Rs. 2800/- w.e.f. 01.01.2006 and other consequential benefits.

3. The respondents filed counter affidavit, stating inter alia that the applicants cannot compare themselves with Station Officer, which is a superior post. It is stated that the pay scales were determined strictly in accordance with the recommendations of the Pay Commission.

4. At one stage of the OA, the respondents were directed to pass orders on the representation that was already made by the applicants. In compliance with the same, the respondents passed a speaking order dated 22.11.2016. It was mentioned that the pay scale for FED 'A' and FED 'B' were put in the Pay Band-1, with Grade Pay of Rs. 2000/- and Rs. 2400/- respectively, whereas for the post of Station Officer, which is a promotional avenue for FED 'B', the Grade Pay is Rs. 2800/-. According to the respondents, FED Grade-B, cannot claim Grade Pay attached to the higher promotional post.



5. After the respondents passed order dated 22.11.2016, the applicants amended the OA making a challenge to the said order. The respondents have also filed counter affidavit taking the same view, as in the order dated 22.11.2016.

6. We heard Sh. B.L. Wanchoo, learned counsel for the applicants and Sh. Subhash Gosain, learned counsel for the respondents.

7. It is a matter of record, that there exists an establishment of fire fighting in the Ministry of Defence, with a typical hierarchy. With effect from 01.01.2006, the hierarchy as well as the pay scales were modified. The same is depicted in the table appended to the order dated 30.06.2010. The same reads as under:

**“REVISED PAY SCALES AND DESIGNATION OF FIRE
FIGHTING STAFF IN ARMY ORDNANCE CORPS (AOC)**

In supersession of all previous sanctions issued regarding Fire Fighting Staff in the Army Ordnance Corps (AOC), I am directed to convey the sanction of the President to grant the revised Pay Band, Pay Scales, Gde Pay and Designations, w.e.f. 01 Jan 2006 as under:-

Present Designation	Present pay Scales	Recommended Pay Scales in r/o VI CPC Report	Revised Designation	Revised Pay band Pay Scales and Grade Pay
Fireman	Rs. 2750-4400	3050-4590	Fireman	PB-1/Rs. 5200-20200/1900
LHF "A"	Rs. 3050-4590	3200-4900	Leading Hand Fireman "A" (LHF "A")	PB-1/Rs. 5200-20200/2000
LHF "B"	Rs. 4000-6000	4000-6000	Leading Hand Fireman "B" (LHF "B")	PB-1/Rs. 5200-20200/2400
Fire Suprvr/Fire Master	Rs. 4500-7000	4500-7000	Station Officer	PB-1/Rs. 5200-20200/2800
CAFM/Fire Supdt.	Rs. 5000-8000	6500-10500	Assistant Divisional Fire Officer	PB-2/Rs. 5200-20200/1900



2. Recruitment rules will be amended accordingly.
3. This issues with the concurrence of Def(Fin) vide their U.O. No. 518/OB/10 dated 08 June 2010."
8. From the above, it becomes clear that the post of Leading Hand Fire (LHF), which is the same as the FED B, carried the pay scale of 4000-6000 whereas the post of Fire Supervisor/Fire Master, which has since been re-designated to Station Officer, carries pay scale of 4500-7000. After implementation of the recommendation of the 6th CPC, both the posts were kept in Pay Band-1 but, the Grade Pay was Rs. 2400/- and Rs. 2800/- respectively. Once the post of Station Officer happens to be promotional avenue for FED 'B', the question of allowing the same scale of pay of Rs. 2800/-, to the feeder category, does not arise.

9. We do not find any merit in the OA, and accordingly, the same is dismissed.

Pending MA, if any, shall also stand disposed of.

There shall be no order as to costs.



(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ns/