



Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.3186/2014

Thursday, this the 6th day of February 2020

Hon'ble Sri Justice L. Narasimha Reddy, Chairman
Hon'ble Sri A.K. Bishnoi, Member (A)

1. Shri G S Shukla
Pensioner
Age 62 years
s/o Shri R A Shukla
67 Vinoba Enclave Extn.
CRPF Colony, J Kalan
Najafgarh, New Delhi - 72
2. Shri Subhash Chander Yadav
Pensioner
Age 63 years
s/o late Shri Jagmal Singh
RZ-15, Prem nagar, Phase 3, Najafgarh
New Delhi – 43
3. Shri Rewat Singh, Pensioner
Age 64 years
s/o late Shri Hari Singh
r/o D-10, Satya Nagar
Jhotwara, Jaipur (Rajasthan)
4. Shri K V Madhusoodanan, Pensioner
Age 61 years
s/o late Shri M V Krishnan Nambiar
r/o 8 Anand Apartments, Ward No.1
Mehrauli, New Delhi – 30
5. Shri S K Garg, Pensioner
Age 61 years
s/o late Shri L R Garg
r/o 4 J 14
Lota Bhawan ASCR, Shree Ram Vihar
Vaishali Nagar
Ajmer (Rajasthan), PIN 305006



6. Shri Swaran Singh, Pensioner
Age 63 years
s/o late Shri Sardul Singh
347/8, Prithvi Raj Nagar
UIT Colony, Bhagwan Ganj,
Ajmer (Rajasthan)
7. Shri Niranjana Kumar, Pensioner
Age 62 years
s/o late Shri Hazari Lal
r/o Flat No.T-321-F, BPTB
Sector 75, Faridabad, Haryana
8. Shri O Suresh, Pensioner
Age 65 years
s/o late Shri P C Nambiar
r/o Panchami
Ambalachara
Kandoth PO, Payannur
Kannur, Kerala
9. Shri S S Nair, Pensioner
Age 63 years
s/o late Shri Gopalan Nair
r/o A/79, Hari Nagar Society
Vill Vavol, Distt Gandhi Nagar
Gujarat
10. Shri A K Rajeshwaran, Pensioner
Age 63 years
s/o late Shri Krishna Panicker
r/o Abhishek Bhawan
Maru South
PO Alinkadavu, Karunagappally
Kollam Distt., Kerala, PIN 690 573
11. Shri V V Surendran, Pensioner
Age 63 years
s/o late Shri M M Narayanan Nambiar
r/o Sopanam, PO Kandakally,
Payyannur, Kannur (Kerala)
12. Shri Simon AT, Pensioner
Age 64 years
s/o late Shri A M Thomas



r/o 20/41, VOC Nagar
Thuvakudimalal, Trichy
Tamil Nadu, PIN 620022

13. Shri T K Sasidharan, Pensioner
Age 63 years
s/o late Shri Kunju Pillai
r/o Nithin Vihar, Pazhakulam
Adoor, Pathanamthitta Distt
Kerala, PIN 891523
14. Shri K Sasidharan, Pensioner
Age 63 years
s/o late Shri T Krishnan Nair
r/o Susanth
PO Mudur Vattamkulam
Edappal
Distt. Malappuram
Kerala, PIN 679578
15. Shri D Sethumadhavan, Pensioner
Age 63 years
s/o Shri K V Damodharan Nair
r/o Sajeevam
PO Kunduvam Padam
Katampazhi Puram
Palakkad, Kerala, PIN 678633
16. Shri V P Vijayakumaran, Pensioner
Age 63 years
s/o late Shri V P Raman
r/o Vachakkara House
Kannamkulangara
Koorkancherry PO
Trissur, Kerala
PIN 680007

..Applicants

(Sri Padma Kumar S, Advocate)

Versus

1. Union of India through
Ministry of Home Affairs
North Block, New Delhi – 110 001



2. Director General
Central Reserve Police Force
Directorate General CRPF
Block No.1, CGO Complex
Lodhi Road, New Delhi – 110 003

...Respondents

(Sri Satish Kumar, Advocate with Sri Sethpal Singh,
Constable (CRPF, Departmental Representative)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

In the Central Reserve Police Force (CRPF), there are several categories of posts in the civil and combatant wings. In this O.A., we are concerned with the posts of Inspector, Subedar Major (SM), Administrative Officer (AO)/Section Officer (SO) and Joint Assistant Director (JAD). The pay scales attached to these posts, on the recommendations of the 5th CPC, were (i) Inspector – Rs.6500-200-10500, (ii) SM – Rs.6500-200-10500 + 200/- (Apptt pay), (iii) AO/SO – Rs.6500-200-10500; and (iv) JAD – Rs.7450-225-11500. On the basis of the recommendations of 6th CPC, the pay structure was revised in such a way that all the four categories are put in Pay Band 2 – Rs. 9300-34800, but they were allowed the Grade Pays of Rs.4600/-, Rs.4800/-, Rs. 4200/- (which



now stands modified to Rs.4600/-) and Rs.4600/-, respectively.

2. The applicants held the posts of AO and JAD at the relevant point of time. They ventilated their grievance by stating that as a result of implementation of recommendations of 6th CPC, the pay structure of superior posts has become comparatively less than that of the feeder category. They filed O.A. No.1153/2009 and O.A. No.746/2010 in this behalf. As a measure of implementation of the orders passed therein, the respondents issued order dated 03.12.2013. It was mentioned that though the discrepancies were noticed and the Ministry of Home Affairs has also addressed a letter to the Ministry of Finance with a request to remove the discrepancies, the latter has opined that the 6th CPC was conscious of the discrepancies and still made a recommendation in that behalf. It was also mentioned that the issue was addressed through process of combatisation and raised the pay structure for those who opted for it; and for such of the employees, who did not opt for combatisation and have crossed the age of 57 years, the same pay structure was retained.



This O.A. is filed challenging the order dated 03.12.2013. The applicants have also sought a direction to the respondents to grant them, the grade pay in such a way, that the hierarchal difference is maintained between various posts. A detailed prayer indicating the respective pay scales is also incorporated.

3. The applicants contend that whatever be the exercise undertaken by the 6th CPC, or for that matter the Ministry, there cannot be any justification for allowing lower emoluments to a superior post, compared to feeder category. It is stated that while the post of SM, which is feeder category for the post of AO/SO, carried Grade Pay of Rs.4800/-, the promotion category post was allowed only Grade Pay of Rs. 4600/-. The applicants contend that the pay structure allowed to the post of JAD is still disadvantageous.

4. The respondents filed counter affidavit opposing the O.A. It is not disputed that discrepancy has arisen as a result of the implementation of recommendations of 6th CPC. The justification pleaded, however, is that the 6th



CPC itself was conscious about the discrepancies and in that view of the matter, no effort was made to remove it.

5. We heard Sri Padma Kumar S., learned counsel for applicants and Sri Satish Kumar, learned counsel for respondents, at length.

6. The broad features of the discrepancies in the pay scales, as a result of the implementation of recommendations of 6th CPC, have already been indicated in the preceding paragraphs. Whether the exercise is executive, legislative or judicial in nature, it cannot lead to a situation where the pay scale attached to a particular post is less than the one, which is attached to the feeder category. In the instant case, it has already been mentioned that feeder category of the post of SM was in Pay Band 2 – Rs.9300-34800 with Grade Pay of Rs. 4800/-, whereas the next higher or promotional post of AO/SO and still higher post of JAD, were not only kept in the same Pay Band, but also were allowed the Grade Pay of Rs.4600/-, which is Rs.200/- less than that of SM. No logic, reason or exercise can justify such a result.



7. In case there is a functional difference between various posts, the disparity ought not to have been created at all. Once the posts of AO/SO are treated as promotional posts for SM, there cannot be any justification for permitting such an anomaly to exist. Still worse is the case with the post of JAD. The Ministry of Home Affairs as well as Ministry of Finance, Department of Expenditure addressed this issue and they too were convinced that the disparity is evident. However, they rested their decision to keep the discrepancies intact, on the recommendations made by the 6th CPC. A detailed order was passed by the Ministry of Finance, Department of Expenditure on 21.10.2010. It reads:-

“MHA may please refer to their proposal regarding anomaly in the Grade Pay of AO/SO, JAD and Hindi Officer in CRPF.

2. The recommendations of DAC of MHA in respect of above mentioned posts has been examined in this department and it has not been found feasible to agree to it on the following grounds:

(i) Granting of upgraded pay scale to combatized posts in the CPMFs by the Pay Commission can not be treated as an anomaly vis-à-vis the pay scales of non-combatized posts. Further, movement from combatized stream to non-combatized stream is generally allowed so that the personnel of combatized streams may also superannuate at the age of 60. In this connection, it may be noted that in



the CRPF, while the age of superannuation in the case of combatized personnel is 57 years, for non-combatized employees, it is 60 years. Also, the pay scales of AO and Sr. PSs cannot be upgraded, since these are common category posts covered under the category of Ministerial Staff working in non-secretariat organizations and it is not possible to upgrade the same in the case of one organization alone.

(ii) As per CCS (RP) Rules, 2008 the GP of Rs.4800/- in PB-2 and the Non-Functional Selection Grade of Rs.5400/- in Pay Band PB-3 has been extended to office staff in the secretariat services and to those organization/services which have had a historical parity with CSS/CSSS such as services like AFHQSS/ AFHQSSS/RBSS and Ministerial/Secretariat posts in Ministries/ Departments organizations like MEA, Ministry of Parliamentary Affairs, CVC, UPSC, AO/SO of CRPF does not fall under the category of Secretariat Service. Further, vide para 3.1.14 of 6th CPC report, a specific recommendation for non-secretariat organizations. Since CRPF is a non secretariat organization, the recommendations at 3.1.14 of 6th CPC report would be applicable to them.

(iii) As per para 3.8.3 (c) of 6th CPC report, “Existing relativities between posts in various categories have, as far as possible, also been kept in view while evolving the new structure for various common categories. Elsewhere, the Commission has upgraded the pay scales for constables in Delhi Police, CPMFs and other police organizations. This has been done to improve the delivery mechanism. While due care has been taken to ensure that this upgradation does not disturb the existing relativities, however, some of the relativities in terms of pay scales will be disturbed. The Commission wants to make it clear that disturbance of any of the existing relativities on this account is a conscious decision. This is more so because posts in identical pay scales can not, in most cases, be held analogous, especially is their functions are totally divers.



3. MHA is further advised to examine the case of Hindi Officer in the light of this department's OM dt.24.11.2008 read with 27.11.2008.”

8. From a perusal of this, it is evident that the 6th CPC was conscious of the disturbance of the existing relativities. Whatever be the justification for it, the same cannot be countenanced.

9. It is not uncommon that the relativities between different categories do get disturbed. For example, if there was a historical parity between the posts of Sub Inspector in civil establishment on the one hand, and the Armed Reserve, on the other hand, the Commission could have certainly justified in disturbing the parity and recommending a higher scale of pay for one, compared to the other. However, there cannot be any justification to disturb the hierarchal arrangement within the same establishment. In other words, the Commission could not have recommended a higher pay scale for Sub Inspector in civil establishment, compared to that of Inspector in the same establishment.

10. A perusal of the impugned order dated 03.12.2013 suggests that the respondents intended to take some



remedial measures. There again, they made a distinction between those who crossed the age of 57 years and those who were within that age. We are informed that such a measure was not approved by the Hon'ble High Court of Delhi.

11. We, therefore, allow the O.A. and direct the respondents to ensure that the pay scales for the posts of AO/SO and JAD are by no means less than that of SM. A decision in this behalf shall be taken within two months from the date of receipt of a copy of this order, and the pension of the applicants shall be revised accordingly. We, however, make it clear that the applicants shall not be entitled for any arrears on that count, and the benefits shall be only prospective in nature.

There shall be no order as to costs.

(A. K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

February 6, 2020
/sunil/