

Central Administrative Tribunal
Principal Bench

OA No.4267/2014

New Delhi, this the 11th day of February, 2020



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

N.K. Banerjee, Aged 49 years,
Section Officer,
S/o Sh. AK Banerjee,
R/o I-150, Sarojini Nagar,
Delhi-26

- Applicant

(By Advocate: Shri Sachin Chauhan)

Versus

1. Union of India,
Through its Secretary,
Ministry of Home Affairs,
North Block, Central Secretariat,
New Delhi-110001
 2. The DG BPR&D,
BPR&D,
Ministry of Home Affairs,
Block No.11, 3/4 the floor,
CGO Complex, Lodhi Road,
New Delhi-110003
 3. Ministry of Finance through
It's the Secretary,
Ministry of Finance,
North Block, New Delhi
- Respondents

(By Advocate: Shri RK Sharma for Mr. Ashok Kumar)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy :

The applicant was appointed as an Assistant in
the Bureau of Police Research & Development, the



second respondent herein, on 19.07.1991. On completion of 12 years of service, he was extended the benefit of ACP, and was kept in the pay scale of Rs.5500-10500 on 01.07.2003. Consequent upon the implementation of the recommendation of 6th CPC, he was extended the Grade Pay (GP) of Rs.4800/-, w.e.f. 01.01.2006.

2. The applicant was promoted to the post of Section Officer (SO) on 03.11.2009. Vide order dated 10.03.2010, the Ministry of Home Affairs created 53 posts of different categories for the purpose of Central Detective Training School (CDTS) at Lucknow and Ahmedabad. One such post is SO (Training), in PB-2 with GP of Rs.4800.

3. On 04.07.2002, the second respondent passed an order, reducing the GP for the post of SO from Rs.4800 to Rs.4600. Similar reduction was effected in respect of certain other posts also.

4. In this OA, the applicant has challenged the order dated 04.07.2012. He has also claimed the relief in the form of a direction to the respondents to extend the GP of Rs.4800 to him at par with SO (Training), by name M. K. Khanna and Gurpreet



Singh. He contends that both the employees are junior to him, and a serious disparity has come into existence on account of his juniors drawing the GP of Rs.4800, even while he is put in the GP Pay of Rs.4600, as a result of the impugned order.

5. The respondents have filed a counter affidavit, opposing the OA. It is stated that the GP of Rs.4800 was extended to the applicant, and the other similarly placed officers; stating to be as a sequel to the implementation of the recommendations of 6th CPC, and that the Department of Expenditure has pointed out that the 6th CPC did not make such a recommendation at all. According to them, the impugned order dated 04.07.2012 was issued to rectify the mistake.

6. As regards the parities drawn by the applicant with two other SOs, it is stated that the posts of SO (Training) was specially created for the CDTs and the nature of duties attached to those posts are substantially different.

7. We heard Shri Sachin Chauhan, learned counsel for the applicant and Shri R.K. Sharma for Mr. Ashok

Kumar, learned counsel for the respondents, in detail and perused the records.



8. Though the first prayer in the OA is in the form of a challenge to the order dated 04.07.2012 through which the GP of the applicant was reduced from 4800 to 4600, no serious effort is made to substantiate that challenge. Even otherwise, the GP of Rs.4800 was extended to the applicant, when there did not exist any recommendation in that behalf.

9. Now remains the question of parity drawn by the applicant with two of his juniors in the post of SO. A perusal of the order dated 10.03.2010 discloses that 17 categories of posts were sanctioned for 2 CDTs and one such post is SO (Training), in PB-2 with Grade Pay of Rs.4800. The very fact that the post of SO is specially for training, discloses that it is somewhat different from other posts of SO.

10. It is true that the applicant is senior to the 2 SOs (Training), by name M. K. Khanna and Gurpreet Singh. In case the applicant has any grievance about the juniors being kept in a post with a higher GP, he can certainly claim the posting against those vacancies. We were also inclined to grant the relief in



the form of a direction to the respondents to give the option to the applicant to be posted as SO (Training) in preference to all others since he was the senior most. However, that offer was not accepted on the ground that the applicant has already been promoted to the post of Assistant Director. Once he is not in the post of SO, he cannot draw any parity, at this stage. We cannot equate the remaining posts of SO with SO (Training); without verifying the relevant facts and without hearing the other affected parties.

11. We do not find any merit in the OA. It is accordingly dismissed.

(A.K. Bishnoi)
Member (A)

(L. Narasimha Reddy)
Chairman

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