



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No. 4467/2015

With

M.A. No. 4083/2015

This the 17th day of February, 2020

**Hon'ble Mr. Ashish Kalia, Member (J)
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. N.S. Bhatia
Age 65 years
S/o Avtar Singh Bhatia
R/o G-4 Extension
Kirti Nagar, Near Adarsh Public School
New Delhi-15
2. Madan Lal Age 65 years
S/o Late Shri Dal Chand
R/o 547 S.F. Kanishka Residency
AE-III, SFC Faridabad
Haryana

...Applicants

(By Advocate: Sh. Padma Kumar S.)

VERSUS

1. Union of India through
The Secretary
Ministry of Home Affairs
New Delhi.
2. Director
Police Telecommunications
Directorate of Co-ordination (Police Wireless)
Ministry of Home Affairs, Block No. 9,
CGO Complex, Lodhi Road, New Delhi-03
3. Secretary
Department of Expenditure
Ministry of Finance
North Block, New Delhi.

...Respondents

(By Advocates: Sh. Gyanendra Singh)

ORDER (Oral)**Hon'ble Mr. Ashish Kalia, Member (J):**

Sh. Padma Kr. S., learned counsel appeared on behalf of the applicants. Sh. Gyanendra Singh, learned counsel appeared on behalf of the respondents. Following reliefs were sought by the applicants in the present OA:-

“(a) Direct the respondents to grant the pay scale of Rs. 6500-10500 to the Applicants who were holding the post of STA (S) as on 1.1.1996, wef 1.1.1996 with consequential revision of pay wef 1.1.2006 and revision of pension.

(b) Grant of arrears of pay and pension with interest thereon,

(c) Any other direction as may be pleased to pass under the facts and circumstances of the case.”

2. The applicants belonged to the post of Senior Technical Assistants (Stores) [in short, STA(S)], having the pay scale of Rs. 5500-9000. In the present OA, the grievance arose while merging the four different wings as shown in Para 4.6 of the OA, which is reproduced as under:-

“4.6.. That in January 2002 and in April 2003 the Respondents granted higher pay scales to the Operational and Maintenance Wing as under:

<u>Operational</u>	<u>Maintenance</u>	<u>Stores</u>	<u>Cipher</u>
SSO	STA	STA(S)	T.S.(Cip)
(6500-10500)	(6500-10500)	(5500-9000)	(6500-10500)
W/S	TA(M)	TA(S)	Cip Asst



(5500-9000)	(5500-9000)	(4500-7000)	(5000-8000)
W/Opr	R/Tech	Stores Keeper	Cip Opr
(5000-8000)	(5000-8000)	(4000-6000)	(4500-7000)"

3. During the course of the argument, learned counsel for the applicants brought to the fact that there is a typographical error in para 4.6 of the OA, wherein instead of Rs. 5500-9000 it is typed as Rs. 6500-10500. He has corrected this in para 4.6 of the rejoinder.

4. Learned counsel for the applicants is relying upon the judgment passed by this Tribunal in OA 1217/2012 which was pronounced on 09.12.2013, wherein the Tribunal has observed as under:-

*"5.1 The Recruitment Rules clearly provide that Radio Technicians and Wireless Operators with three years experience in the grade and who must have passed Grade-I Stores Trade Tests of the Directorate are eligible for promotion to the post of TA(S). Thus, it is clear that the post of Wireless Operation and Radio Technician are feeder post of TA(S). It is not disputed that both these posts have been given pay scale of Rs.5000-8000 w.e.f. 01.01.1996 whereas the post of TA(S) is carrying the pay scale of Rs.4500-7000. Thus, the feeder posts are having scales higher than the promotional post. This is in clear violation of the law laid down by the Apex Court and Hon'ble Punjab and Haryana High Court as mentioned in the citations given above. While considering a similar matter, Honble High Court of Delhi in Writ Petition (C) No. 109/2010 (**Dr. R.S. Rana & Ors. Vs. UOI & Ors.**) on 20.05.2013 held that anomaly has arisen on account of the fact that the post of DEO 'D' is getting the same pay scale as that of STA despite the fact that DEO is a higher post. Consequently, they remanded the matter back to the Tribunal to adjudicate this issue of anomaly."*



5. After detailed discussion of the matter, this Tribunal had directed that this matter may be taken up by the concerned Department of Ministry of Expenditure, which has not acceded to the request of the applicants.

6. While arguing the matter, learned counsel for the respondents has drawn our attention to the reply to para 4.6 of the OA, wherein the respondents have categorically stated that upgradations were granted to Operational/Maintenance Wings due to restructuring as under:-

<i>Operational Wing</i>	<i>Maintenance Wing</i>	<i>Cipher Wing</i>
SSO (6500-10500)	STA (6500-10500)	T.S (Cipher) (6500-10500)
W/S (5500-9000)	TA (M) (5500-9000)	Cipher Asstt. (5500-9000)
W/Opr. (5500-8000)	R/Tech. (5000-8000)	Cipher Opr. (4500-7000)

The table of STA (Store) showing upgradation of Pay Scale is totally false and misleading and wrong information was given to the Tribunal and prayed for dismissal of the OA.

7. After considering the rival contention, the short question raised to the Tribunal by the applicant, whether he is entitled to similar benefit as granted in OA. Certain entitlement of similar benefits to the applicants on the ground of mis-communication and



wrong submissions and how the matter has been dealt with by the Department in detail, they passed the impugned order dated 13.10.2015 (Annexure A-1), which reads as under:-

“xxx xxx xxx

The matter of revision of pay scale of STA(S) was taken up with the Ministry of Finance while implementing the CAT’s Order dated 9.12.2013 (OA No. 1217/2012. Sh. Salam Singh TA (Store) & Ors. Vs. UOI) in connection with upgradation of Pay Scale of Tech. Asstts. (Stores) of this Directorate.

The Department of Expenditure (MOF) has examined & decided to implement Hon’ble CAT’s Order dated 9.12.2013 as stated in the above Para. The Hon’ble CAT’s order dated 9.12.2013 does not relate to the promotional post of STA. The Deptt. of Expenditure has not agreed to the proposal for revision of Pay Scale of STA.

xxx xxx xxx”

8. There is a little scope of this Tribunal to question the policy matters in which the decision has been taken by the Government to implement the restructuring of the cadres for the convenience of day to day working and suitable rewarded the particular stream for the work and responsibilities discharged by them. Thus, we are of the view that present OA lacks merit and same is liable to be dismissed. Accordingly, OA along with pending MA stands dismissed. No order as to costs.

(Mohd. Jamshed)
Member (A)

(Ashish Kalia)
Member (J)