

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 1658/2001

New Delhi, this the 18th day of May, 2004

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE SHRI R.K. UPADHYAYA, MEMBER (A)

Shri Purushottam Dass
s/o Shri Adil Ram
aged 51 years
presently Working as Addl. DCP/Security (PM)
r/o G-4, Type-V, New Police Lines
Kingsway Camp, Delhi - 110 009. ... Applicant

(By Advocate: Sh. Yashpal proxy for Sh. A.K. Behera)

Versus

Union of India through
its Secretary
Ministry of Home Affairs
(U.T. Section), North Block
New Delhi. ... Respondent

(By Advocate: Sh. N.S. Mehta)

O R D E R

Justice V.S. Aggarwal:-

Applicant (Purushottam Dass) by virtue of the present application seeks setting aside of the order of 25.6.2001 to the extent that it excludes the name of the applicant and that it should be modified to include his name above his junior, Shri Paldan. He further seeks a direction to the respondent to hold a regular Departmental Promotion Committee Meeting to consider his case for grant of Junior Administrative Grade scale from 1.7.1993, and to hold a Departmental Promotion Committee Meeting to fill up five vacant posts of Junior Administrative Grade created from 12.4.2001. In this process, he seeks a direction to hold a regular DPC to consider his name to the next higher scale of Rs.14300 to Rs.18300 and to promote him with effect from 1.7.1998 with consequential benefits.

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[2]

2. The application has been contested. Some of the facts are that applicant has been working as Grade-I Officer (Selection Grade) in the National Capital Territory of Delhi, Andaman & Nicobar Islands, Lakshadweep, Daman and Diu and Dadar & Nagar Haveli Police Service (DANIPS). He had earlier filed OA 2186/1998. It was allowed on 24.3.2000 and he was promoted to Junior Administrative Grade from 28.6.1996. The Junior Administrative Grade had been created vide Office Memorandum of 2.6.1995 without indicating any date and the year from which it was to be given effect to DANIPS. According to the applicant, on 28.6.1996, twenty five DANI Police Service persons were given ad hoc promotion in the newly created Junior Administrative Grade scale, wherein he was ignored due to pendency of the charge-sheet against him at that time. Subsequently, the charge-sheet is stated to have been dropped.

3. Though we would have gone into the present controversy but in the peculiar facts, it becomes unnecessary to do so because of the subsequent event that has occurred and the earlier decision between the parties. The applicant had also filed OA 2304/2002 wherein he was seeking setting aside of the Tribunal's order of 6.2.2002 and to give effect to the Junior Administrative Grade scale from 1995 and 1996 to DANIPS when 14 and 15 vacant posts are stated to have arisen. That application was disposed of whereby the first claim of setting aside of the order of this Tribunal was rejected. However, keeping in view the notification of 6.8.2003, it was directed:

A handwritten signature in black ink, appearing to read "M Ag e".

"16. During the pendency of the present application, our attention has been drawn to the notification that has been issued on 6.8.2003. A Junior Administrative Grade on the lines claimed by the applicant has been created and in the explanatory note it is made clear that it would be effective from 1.1.1996. The same reads:

"The National Capital Territory of Delhi, Andaman and Nicobar Islands, Lakshadweep, Daman and Diu and Dadra and Nagar Haveli Police Service had three grades, namely, Grade-II, (Rs.2000-3500/-) Selection Grade (Grade-I) (Rs.3000-4500/-) and Junior Administrative Grade (Rs.3700-5000/-). In order to improve upon the grade and pay structure of the Service, the Fifth Central Pay Commission had made certain recommendations to the Government which were duly considered by the Government. Taking into consideration various relevant factors including the nature of duties and responsibilities of the Service, the Government approved the following grades/scales of pay for the Service with effect from 1st January, 1996:-

- (i) Entry Grade (Group 'B') - Rs.6,500-200-10,500.
(On initial appointment)
- (ii) On Completion of 4 years- Rs.8,000-275-13,500.
of approved service
(Group 'B')
- (iii) Selection Grade - Rs.10,000-325-15,200.
(Group 'A')
- (iv) Junior Administrative Grade-II (Group 'A') - Rs.12,000-375-16,500.
- (v) Junior Administrative Grade I (Group 'A') - Rs.14,300-400-18,300

17. The settled principle in law is that even during the pendency it can be taken note of. When the matter was heard on 24.2.2004, the respondents' learned counsel had taken time to verify the fact. He did not dispute that such an order has been issued.

18. Once the said notification has been issued, it goes without saying that the said benefit had been accorded from 1.1.1996. We have no hesitation in according the same to the parties."

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[4]

4. The applicant had also earlier filed OA 721/2000. That came up for consideration and the same was disposed of on 31.3.2004. Inter-se between the parties therein, following directions had been issued:

"Therefore, it is directed and the present petition is disposed of holding that the applicant can be considered for Junior Administrative Grade from 1.1.1996 with reference to relevant instructions on the date with consequential benefits. As a necessary corollary, it is ordered that the claim of the applicant would be considered as on that date. This exercise should preferably be completed within four months of the receipt of the certified copy of the present order. With these directions, the O.A. is disposed of."

5. It is, therefore, clear that a notification had been issued and benefit of the same could be accorded to the applicant from 1.1.1996 in accordance with law. Necessarily, once subsequent events have to be taken note of and another scale has been introduced in the service, we dispose of the present application directing:

- a) the claim of the applicant should be considered first for the scale that has now been introduced and
- b) thereafter, if found suitable, in accordance with the instructions and the rules, he should be considered for the next scale.

R.K.Upadhyaya
(R.K.Upadhyaya)
Member (A)

/NSN/

V.S. Aggarwal
(V.S. Aggarwal)
Chairman