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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 735/2001

This the 4th day of March, 2002.

HON'BLE SHRI V.K. MAJOTRA, MEMBER (A)

HON'BLE SHRI KULDIP SINGH, MEMBER (J)

- 0
1. Paramvir Singh S/O Gagan Singh,
R/O 305, Delhi Administration Flats,
Nimri Colony, Ashok Vihar,
Delhi-110052.
 2. V. Bharathydasan S/O M. Vairakkannu,
R/O BH/8D, DDA Flats,
Munirka, New Delhi-110067.
 3. Rajaram Meena S/O Kazod Meena,
R/O 287 Delhi Administration Flats,
Nimri Colony, Ashok Vihar,
Delhi-110052.
 4. Rajinder Singh Tyagi S/O Raghunandan Tyagi,
R/O B-2/389, Yamuna Vihar,
Delhi.
 5. S.S. Negi S/O Bajan Singh Negi,
R/O 265, Kalyanvas,
Delhi.
- ... Applicants

(By Shri A.K. Behera, Advocate)

-versus-

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1. Union of India through
Secretary, Ministry of Home Affairs,
North Block, New Delhi-110001.
 2. Chief Secretary,
Govt. of NCT of Delhi,
Players Building,
Indraprastha Indoor Stadium,
New Delhi-110002.
 3. Secretary,
Environment, forests & Wildlife,
Govt. of NCT of Delhi,
Kamla Nehru Ridge, Delhi.
 4. Conservator of Forests &
Chief Wildlife Warden,
Govt. of NCT of Delhi,
Kamla Nehru Ridge, Delhi.
 5. Secretary, Finance,
Govt. of NCT of Delhi,
Players Building, I.P. Stadium,
New Delhi-110002.
- /s/

6. Secretary, Ministry of Finance,
Department of Expenditure,
Govt. of India, North Block,
New Delhi-110001.

... Respondents

(By Ms. Sumedha Sharma, Advocate for respondents 2-5,
none for respondents 1 and 6)

O R D E R

Hon'ble Shri V.K.Majotra, Member (A) :

This application has been made against Annexure A-1 dated 7.3.2001 whereby respondents have withdrawn the scale of pay of Rs.5500-175-9000 from applicants who are Wildlife Inspectors under the Government of NCT of Delhi, with retrospective effect from 1.1.1996. Applicants are also aggrieved by inaction of respondents in not considering the proposal of enhancing their scale of pay to Rs.6500-200-10500. Thus, they have sought quashing and setting aside of Annexure A-1 and grant of scale of Rs.6500-200-10500.

2. Learned counsel of applicants stated that Wildlife Inspectors are equivalent to Forest Rangers/Range Officers. Both categories were in the scale of Rs.425-700 on the eve of Fourth Central Pay Commission (CPC) and Rs.1400-2300 on the eve of Fifth CPC. The entry qualifications, duties and responsibilities of Wildlife Inspectors are claimed to be similar to those of Forest Rangers. The Fifth CPC had held that pay of Forest Rangers/Range Officers of Government of NCT of Delhi be placed in the pay scale of Rs.1640-2900 on par with the posts of Sub Inspectors of Police (Annexure A-2). Learned counsel stated that whereas the Central Government accepted the aforesaid recommendations of the Fifth CPC in respect of pay scale of Forest Rangers/Range

Officers, the post of Wildlife Inspector was left-out. In view of the recommendations of the Fifth CPC in regard to left-out posts, Government of NCT of Delhi recommended that the pay scale of Forest Rangers, i.e., Rs.5500-9000 be paid to Wildlife Inspectors. They further recommended to the Government of India, Ministry of Finance that their pay scale be enhanced to Rs.6500-10500 (Annexure A-4). Vide order dated 7.4.2000 (Annexure A-7), Wildlife Inspectors were granted pay scale of Rs.5500-9000 in view of similarity in entry qualifications, duties and responsibilities with the posts of Forest Rangers, w.e.f. 1.1.1996. However, that scale was withdrawn by impugned order dated 7.3.2001 (Annexure A-1) and Wildlife Inspectors were placed in the normal replacement scale of Rs.4500-125-7000 w.e.f. 1.1.1996. Learned counsel further stated that respondents have resorted to the above action without issuing any show cause notice.

3. Learned counsel of respondents stated that in the recommendations of the Fifth CPC relating to NCT of Delhi, there is no mention of Wildlife posts under the Forest Department. The learned counsel stated that as per the recommendations of the Fifth CPC, posts of Forest Rangers and Senior Forest Rangers in the scale of Rs.1400-2300 and Rs.1640-2900 respectively, were merged and placed in the pay scale of Rs.1640-2900 and their pay scale was revised to Rs.5500-9000. However, there has been no such merger in respect of the Wildlife posts. The learned counsel further stated that earlier orders of grant of revised pay scale of Rs.5500-9000 in respect of



Wildlife Inspectors (Annexure A-7) had been issued without any consultation with the Finance Department, Government of NCT of Delhi and thus, the same were withdrawn and superseded by Annexure A-1 granting a lower pay scale to applicants.

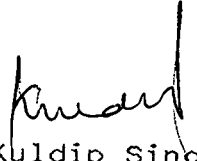
4. Vide Annexure A-4 dated 24.10.1997, Forest Department of Government of NCT of Delhi has stated that posts of Wildlife Inspectors and Forest Rangers are equivalent in all respects. Vide Annexure A-5 dated 28.10.1999, Government of India, Ministry of Environment and Forests, communicated to Department of Expenditure, Government of India that Forest personnel are at par with comparable posts of police in view of their similar nature of duties and responsibilities, namely, power of arrest, power of seizure and power of prosecution, etc., therefore, the pay scales of Wildlife Inspectors/Forest Rangers under Government of NCT of Delhi be upgraded from Rs.5500-9000 to Rs.6500-10500. Whereas, as per Annexure A-2, CPC has recommended merger of posts of Senior Forest Rangers and Range Officers and recommendation of the CPC contained in Annexure A-3 that in the event of a post being left-out without allotment of revised pay scale in the Report, it should be given the commensurate revised scale of pay as applicable for posts with similar entry qualifications, duties and responsibilities, duly retaining the horizontal and vertical relativities in the organisation, respondents have merged the posts of Forest Ranger and Senior Forest Ranger by according them the scale of pay of Rs.5500-9000, Wildlife Inspectors have not been accorded the same scale. Whereas respondents

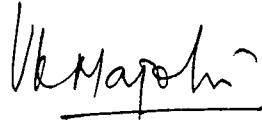
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have not denied that entry qualifications, duties and responsibilities of Wildlife Inspectors and Forest Rangers are the same, applicants have proved this claim through Annexures A-4, A-5 and A-7. Respondents have also not been able to contest the allegation that the higher pay scale of Rs.5500-9000 has been withdrawn and lowered to Rs.4500-7000 without issuing any show cause notice. The only argument advanced by respondents is that the higher pay scale had been given to applicants without obtaining the approval of the Finance Department.

5. Having regard to the above discussion, we are of the view that the entry qualifications, duties and responsibilities of Wildlife Inspectors are similar to those of Forest Rangers. Whereas we are not quashing and setting aside Annexure A-1 dated 7.3.2001, we direct respondents to consider the matter of grant of the scale of Rs.5500-9000/Rs.6500-10500 to applicants, Wildlife Inspectors, on par with the posts of Forest Rangers in the Government of NCT of Delhi w.e.f. 1.1.1996, after consulting the Department on Finance. Respondents should decide this matter by reasoned speaking orders within a period of three months from the date of service of these orders.

6. The OA is disposed of in above terms, however, without any order as to costs.


(Kuldip Singh)
Member (J)


(V. K. Majotra)
Member (A)

/as/