

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO. 2185/1999

(12)

Tuesday, this the 23rd day of January, 2001

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN  
HON'BLE SHRI S.A.T. RIZVI, MEMBER (A)

1. S. Thakur S/o Late Shri K.N. Thakur  
R/o BA-12 B, DDA Flats,  
Munirka, New Delhi

2. H.C Bhargara S/o late Shri  
B.N. Bhargara,  
R/o B-75, Sector 26,  
Noida  
(By Advocate: Shri G.S. Chaman) Applicants

VERSUS

1. Union of India through  
Secretary,  
Ministry of Home Affairs,  
North Block, New Delhi

2. Director, Intelligence Bureau  
(MHA), North Block,  
New Delhi  
(By Advocate : Sh. S. Mohd. Arif) Respondents

O R D E R (ORAL)

Hon'ble Shri S.A.T. Rizvi :

The applicants in this OA, both Assistant Directors (Executive) in the I.B., respectively superannuated on 31.1.1997 and 31.3.1984. The grievance arose from the fact that the benefit of recommendations made by the 5th Central Pay Commission has not been extended to either.

2. The learned counsel appearing for the respondents has placed before us the respondents' letter dated 16.10.1998 which is an order on the subject of implementation of the 5th CPC report in relation to the grant of enhanced scale of pay to AD

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(Executive). It is submitted that the pay scale in which the applicants worked while in service has been upgraded to Rs.12000-16500 in consequence of the 5th CPC recommendations. The aforesaid order provides that the aforesaid higher scale of Rs. 12000-16500 was to become applicable prospectively as it involved restructuring of the Executive Cadre and redistribution of posts in the I.B. On being asked to clarify whether any restructuring of cadre and redistribution of posts was actually involved insofar as the Assistant Directors were concerned, the learned counsel tells us that out of the 52 posts of Assistant Directors (Executive) in the I.B., changes in the Recruitment Rules will be required in respect of 12 posts only and in respect of the remaining 40 posts no such change was required to be made. The aforesaid 12 posts have been earmarked for upgradation to a still higher scale of Rs.14300-18300. The applicants in this OA are not covered by the aforesaid upgradation to a still higher scale. They are instead covered by the Grade of Rs. 12000-16500, which was to be granted to the remaining 40 Assistant Directors. We are, in the circumstances, inclined to hold that at least in respect of the aforesaid 40 posts of Assistant Directors, the respondents are not required to undertake any change by way of restructuring of cadre nor was any change in the Recruitment Rules necessary, and therefore, the Assistant Directors forming part of the group of 40 to which the applicants belonged could

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have been placed in the higher grade of Rs. 1200-16500 as usual with effect from 1.1.1996, instead of delaying the same till 1.10.1997.

3. Looking at the dates of superannuation of the applicants, we find that while one of them, who superannuated on 31.1.1997, would benefit in accordance with the conclusion reached by us in the previous paragraph, the other will not be benefited as he had superannuated way back on 31.3.1984. The learned counsel appearing for the applicant has expressed his desire to withdraw the name of the aforesaid person from this OA. We permit him to do so. We find, however, that in terms of the 5th CPC recommendations, even the said other applicant stands to gain in terms of pension for which unfortunately no prayer has been made in this OA. We leave it to the learned counsel to see if the said other applicant who retired on 31.3.1984 would like to approach the respondents separately for grant of higher pension in the terms of the 5th CPC recommendations and the Government decision thereon, and would hope and expect the respondents to consider any such proposal/petition, if any, received from the said applicant expeditiously--

4. In the circumstances, the OA is disposed of with a direction to the respondents to grant the upgraded scale of Rs. 12000-16500 to applicant No.1

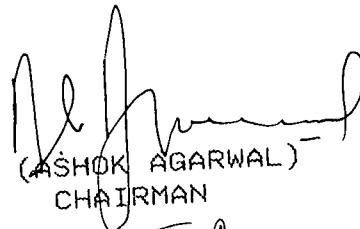
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S. Thakur), who superannuated on 31.1.1997, with  
effect from 1.1.1996.

5. The OA is disposed of in the aforesated terms.

No costs.

  
(ASHOK AGARWAL)  
CHAIRMAN

  
(S.A.T. RIZVI)  
MEMBER (A)

(pkr)