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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No 156/1998
T.A.No.

Date of Decision 10.12.2001

Sh. G. P. Gupta and
others

... Petitioner

Sh. V. S. R. Krishna

... Advocate for the Petitioner

VERSUS

UOI & Ors

... Respondent

Shri N.K. Aggarwal

... Advocate for the Respondent

Coram:-

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri Govindan S. Tampi, Member (A)

1. To be referred to the Reporter or not ? Yes
2. Whether it needs to be circulated to other Benches of the Tribunal? No

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan :
Vice Chairman (J))

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Central Administrative Tribunal
Principal Bench

O.A. 156/1998

New Delhi this the 10th day of December, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J).
Hon'ble Shri Govindan S. Iampi, Member(A).

1. G.P. Gupta,
S/o late Shri R.C. Gupta,
633, Sector III,
R.K. Puram,
New Delhi-22.
2. V.K. Ramakrishna,
S/o late Shri P.K. Anandan,
12/1099, R.K. Puram,
New Delhi-22.
3. C.K.S. Saini,
S/o late Shri S.S. Saini,
1027/Sector 12, R.K. Puram,
New Delhi-22.
4. P. Sukumaran,
S/o late Shri P.V. Govinda Warriar,
140, Laxmibai Nagar,
New Delhi-23.
5. M.M. Devasia,
S/o late Sh. Ulahannan Mani,
136, Laxmibai Nagar,
New Delhi-23.
6. B.B. Dubey,
S/o late Shri N.P. Dubey,
C-71, Nanakpura,
New Delhi-21.
7. G.S. Sethi,
S/o late Shri H.S. Sethi,
G-2428, Netaji Nagar,
New Delhi.

... Applicants.

(By Advocate Shri V.S.R. Krishna)

Versus

1. The Secretary,
Department of Expenditure,
Ministry of Finance, Govt. of India,
North Block, New Delhi.
2. The Secretary,
Dept. of Personnel and Training,
Ministry of Personnel, PG and Pensions,
North Block, New Delhi.

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3. The Secretary,
Ministry of Home Affairs,
Govt. of India, North Block,
New Delhi.
4. The Director,
National Crime Records Bureau (NCRB),
East Block 7, R.K. Puram,
New Delhi. ... Respondents.

(By Advocate Shri N.K. Agarwal)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J).

The applicants have stated that they have not filed the application against any specific order. The main contention of Shri V.S.R. Krishna, learned counsel is that the posts of Deputy Superintendents under the Central Bureau of Investigation (CBI), including the Deputy Superintendents (Finger Prints) were given the same pay-scale of Rs.2000-3500 w.e.f. 1.1.1986. He has submitted that while the pay-scale of the Deputy Superintendents in CBI has been revised by the Government in 1996 to Rs.2200-4000 retrospectively w.e.f. 1.1.1986, the similar benefit has not been extended to the applicants. Admittedly, the applicants were earlier working with the CBI but had been transferred to the National Crime Records Bureau (NCRB) from the Central Finger Prints Bureau (CFPB), Calcutta in pursuance of an executive order of the President dated 1.7.1986. By a subsequent order dated 28.12.1987, the respondents have stated that sanction of the Central Government had been conveyed to the transfer of the Modus Operandi Bureau and the Single Digit Section of the CFPB, Calcutta to the Headquarters Office at New Delhi. Consequently, certain posts in CFPB, Calcutta were also transferred which

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included one post of the Deputy Superintendent (Finger Print), one post of Inspector (Finger Print) and four posts of Sub-Inspectors (Finger Print). Shri V.S.R. Krishna, learned counsel has placed much emphasis on the conditions laid down in paragraph 3 of this order which provides that "The other terms and conditions attached to the aforesaid posts will remain unchanged". According to him, when the respondents have taken a decision to revise the pay scale of the Deputy Superintendents of Police in CBI to the scale of Rs.2200-4000 and all persons holding these posts have been given that pay scale, there is no reason why the Deputy Superintendents (Finger Print) in the NCRB should be denied the same pay scale.

2. The other main contention of Shri V.S.R. Krishna, learned counsel is that there is a glaring anomaly in the pay scale in the ranks of the Deputy Superintendents (Finger Print) and Inspectors (Finger Print) who are given the same pay scale under the revised pay scale, following the 5th Central Pay Commission, namely Rs.6500-10500. As against this, the revised pay scale of the Deputy Superintendents in CBI is Rs.8000-13500 while that of Inspector is Rs.6500-10500. This has been countered by the learned senior counsel for the respondents who has submitted that the Deputy Superintendent (Finger Print) is given a Special Pay of Rs.400/- which is not denied by the learned counsel for the applicants. Shri V.S.R. Krishna, learned counsel, however, submits that merely paying the Special Pay does not mean that the Deputy Superintendent (Finger Print) is granted a higher pay scale and the fact that the respondents have not maintained the parity itself shows

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that there is a discrimination against the Deputy Superintendents (Finger Print) vis-a-vis their counterparts in CBI. Shri V.S.R. Krishna, learned counsel has also very emphatically submitted that what the applicants are seeking is not the parity of pay scale based on equal pay for equal work but the maintenance of parity in pay scale which they are entitled to, as these were maintained by the respondents earlier.

3. The above submissions have been controverted by the learned counsel for the respondents. He has also relied on the judgement of the Tribunal in S.K. Rattan's case (supra) and, in particular, he has also adopted the same submissions as given by the learned counsel for the respondents which are mentioned in paragraph 3 of the judgement. Shri N.K. Agarwal, learned senior counsel, has submitted that in the present case also the Deputy Superintendents (Finger Print) and that of the Deputy Superintendents in CBI are governed by separate Recruitment Rules as well as separate terms and conditions of service. He has also emphasised that at the time when the six applicants were transferred from the CBI to NCRB, none of them were Deputy Superintendents. He has also submitted that the Deputy Superintendent in CBI is an executive field post and the duties and responsibilities of the Deputy Superintendent (Finger Print) are quite different. With regard to the submissions made by Shri V.S.R. Krishna, learned counsel, regarding the earlier grant of the pay scale of Rs.2200-4000 to Shri G.P. Gupta, applicant No.1, he has also clarified that this was only an interim measure as per the order of the Tribunal in O.A. 1515 of 1987. However, when the Tribunal finally

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disposed of the O.A. by order dated 4.10.1991 and as per the directions of the Tribunal, the pay of Shri Gupta was re-fixed in the pay scale of Rs. 2000-3500 plus special pay of Rs.200/-. The contention of Shri V.S.R. Krishna, learned counsel that the applicant was not a party in that case, would not assist him because, admittedly, the applicant, Shri G.P. Gupta, has accepted the orders of the Tribunal in O.A.1515/1987. The learned senior counsel has also submitted that the applicants are receiving special pay and in the case of the Deputy Superintendents (Finger Print), it is Rs.400/- special pay. He has, therefore, submitted that there is no question of discrimination or disparity in pay or any other legal ground on which the applicants' claims can be allowed and he has prayed that the O.A. may be dismissed.

4. For the reasons given by us, in our previous order dated 1.10.2001 in S.K. Rattan's case (supra), we find no merit in this application. It is clear from the documents on record and the submissions made by the learned senior counsel for the respondents that the Deputy Superintendents of Police in CBI and the Deputy Superintendents (Finger Print) in NCRB are two different services and are governed by ~~the~~ separate administrative authorities, namely, the Department of Personnel and Training and Ministry of Home Affairs, respectively. These services have also separate Recruitment Rules, seniority list, promotion, etc. and the duties and responsibilities of both the posts are distinguishable and separate from each other, one being executive/field post over the staff whereas the staff in NCRB are essentially for keeping the records. We do not also find any merit in

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the submissions made by Shri V.S.R. Krishna, learned counsel that there was a parity in pay scale being maintained by the respondents in the two services as these are not borne out by the documents on record. The Deputy Superintendent (Finger Print) is entitled to special pay of Rs.400/-, in addition to the pay scale of Rs.6500-10500 which cannot also be ignored. Admittedly, at the time when the six applicants were transferred from CBI Calcutta to NCRB Headquarters, New Delhi, none of them were Deputy Superintendents in CBI or in NCRB. The claim of the applicants based on the order issued by the respondents dated 28.12.1987 regarding re-fixation of the pay of Shri G.P. Gupta, Deputy Superintendent (Finger Print) in the pay scale of Rs.2200-4000 has been done in pursuance of the Tribunal's interim order in OA 1515/1987 which has admittedly been revised subsequently. Therefore, the emphasis laid on this order by the learned counsel for the applicants cannot assist him as, admittedly, Shri G.P. Gupta, Applicant No. 1 in the present application has also accepted the subsequent revision of the pay scale of Rs.2000-3500 plus Rs.200/- special allowance. It is relevant to note that after 1.7.1986, the applicants stood transferred as officers of the NCRB. The contention of Shri V.S.R. Krishna, learned counsel based on paragraph 3 of the order dated 28.12.1987 that other terms and conditions attached to the post will remain unchanged which will necessarily mean that whatever the pay scale is applicable to the Deputy Superintendents in CBI will also be applicable to the applicants, cannot be agreed to because this cannot be the intention. Besides, learned counsel has himself submitted that the other conditions

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which the applicants enjoyed while working in CBI, for example, Railway warrants and rent free accommodation remain unchanged/^{even} after their transfer to NCRB. Therefore, it cannot be held that the respondents have in any way violated the conditions stipulated in paragraph 3 of the order dated 28.12.1987 and the claim of the applicants for higher pay scale based on this paragraph cannot be accepted.

5. In the result, in the facts and circumstances of the case, we reiterate our earlier order dated 7.11.2001 that the judgement of the Tribunal (Principal Bench) in S.K. Rattan's case (supra), decided on 1.10.2000 is fully applicable to the facts in the present case. Accordingly, we find no merit in this application and the O.A. fails and is dismissed. No order as to costs.

(Govindan S. Tampi)
Member(A)

'SRD'

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Vice Chairman (J)