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Central Administrative Tribunal
Principal Bench

O.A.No.2559/98
M.A.No.2724/98
M.No.755/99

Hon'ble Shri R.K.Ahooja, Member(A)

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New Delhi, this the 7th day of May, 1999

1. B.B.Prasad
s/o late Shri Rajendra Prasad
R/o 977, Sector-12, R.K.Puram
New Delhi-22.
2. K.D.Sood
s/o late Shri P.C.Sood
r/o 507-C, Sector-III,
R.K.Puram
New Delhi-22.
3. V.Kumar
s/o Shri Birendra Kumar
r/o N-494, Sector-9
R.K.Puram
New Delhi - 22.
4. Mukteshwar Mishra
s/o Late Shri Y.N.Mishra
r/o 1093, Sector-12, R.K.Puram
New Delhi-22.
5. Tara Chand
s/o Late Shri Jaggan Singh
r/o C-6/458, Yamuna Vihar
Delhi - 53.
6. S.N.Choudhary
s/o Shri Narendra N. Choudhary
r/o F-16, Nanakpura, Motibagh-II
New Delhi - 21.
7. M.P.Dhooria
s/o Late P.D.Dhooria
r/o 1353, Mukharjee Nagar
Delhi - 110 009.

... Applicants

(By Shri G.S.Chaman with Shri H.K.Gupta, Advocate)

Vs.

1. Union of India through
Secretary,
Ministry of Home Affairs
Govt. of India
North Block
New Delhi - 110 001.
2. The Secretary
Ministry of Personnel, Public Grievances
& Pensions
Department of Personnel and Training
Govt. of India
New Delhi - 1.

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3. Director Intelligence Bureau
Ministry of Home Affairs
Govt. of India
North Block
New Delhi - 1.

... Respondents

(By Shri R.V.Sinha, Advocate)

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ORDER (Oral)

The applicants are working as Deputy Central Intelligence Officers (hereinafter referred to as DCIOs) in the Intelligence Bureau. Prior to the revision of pay scales, as per the recommendations of the Fifth Pay Commission, they were in the pay scale of Rs.2000-3500 which was categorised as a Group 'B' post. On the basis of the recommendations of Fifth Pay Commission, their pay scales have been upgraded and fixed at Rs.8,000-275-13500. The applicants have submitted that consequent upon this revision, they ought to be treated as Group 'A' officers and as such they are entitled to contribute to the CGEIS at a higher rate of Rs.120 per month but the same facility has been denied to them by the respondents. This has compelled them to come before the Tribunal for a direction to the respondents to treat them at par with Group 'A' services of Government of India with immediate effect.

2. Today when the matter came up the learned counsel for the respondents produced a copy of the Memorandum dated 18.2.1999, issued by Intelligence Bureau, which has also been taken on record, wherein it has been mentioned that the post of DCIO in Intelligence Bureau has now been reclassified as Group 'A' post in terms of the norms prescribed by the Government of India vide DoPT's OM No.13012/1/98-Estt(D) dated 12.6.1998. The learned counsel for the applicants submits that even

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though by these orders, the respondents have taken action as per the prayer of the applicants, the Tribunal may grant them the costs as they have been unnecessarily compelled to seek relief from the Court when clearly they were entitled to this facility from the date their pay scales were revised.

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3. I find that when the pay scales of Government officers were revised by an order dated 30.9.1997, the question of reclassification of posts had been kept open, to be decided later on. The orders of reclassification were, as mentioned above, issued only on 12.6.1998. The case of the DCIOs was a peculiar one, inasmuch as they were not given replacement scales but had been granted a higher pay scale than the replacement scale. Since the orders for fixing the norms for classification into various categories were issued only on 12.6.1998, I find that the explanation given by the learned counsel for the respondents that the matter had to be referred in respect of DCIOs to the Ministry of Finance is plausible. The applicants came before this Tribunal in December, 1998. By an interim order they were also allowed to contribute at the higher rate towards CGEIS. I find, in the circumstances, that neither the respondents wilfully delayed the issue of the orders of classification in respect of DCIOs nor that the applicants suffered any undue loss on account of the delay in issue of the orders.

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4. Since the main relief sought for by the applicants has already been granted by the respondents, I find that the OA has become infructuous. It is disposed of as such. Keeping in view the facts and circumstances of the case, the parties will bear their own costs.

R.K.Ahooja
(R.K.Ahooja)
Member(A)

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