



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.3701/2017

And

O.A. No. 3913/2017

This the 27th day of October, 2020

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

Hon'ble Ms. Aradhana Johri, Member (A)

OA No. 3701/2017

1. Raghav Gupta, Age 30, Group A
S/o Sh. Sanjay Gupta,
R/o 904, 9th Floor, Ballad Tower,
Kesar Harmony, Sector 6, Kharghar,
Navi Mumbai – 410210.

And

79 others

...Applicants

(By Advocate: Sri Pardeep Dahiya)


VERSUS

1. Union of India
Through the Secretary,
Ministry of Finance,
North Block, New Delhi – 110001.
2. The Chairman,
Central Board of Direct Taxes,
Ministry of Finance,
North Block, New Delhi – 110001.
3. The Secretary
Department of Personnel and Training,
North Block, New Delhi.

...Respondents

(By Advocates: Sri Gyanendra Singh and Sri Rajeev
Kumar)

OA No. 3913/2017

- 
1. Bhanu Pratap Singh Tanwar,
S/o Sh. Kuldip Singh Tanwar,
R/o D-401, Pearl Court,
Ramprastha Greens, Vaishali,
Sector – 7, Ghaziabad, U.P. 201010.

And
105 others

.... Applicants

(By Advocate: Sri Pardeep Dahiya)

VERSUS

1. Union of India
Through the Secretary,
Ministry of Finance,
North Block, New Delhi – 110001.
2. The Chairman,
Central Board of Direct Taxes,
Ministry of Finance,
North Block, New Delhi – 110001.
3. The Secretary
Department of Personnel and Training,
North Block, New Delhi.

...Respondents

(By Advocates: Smt. Shabnam Perween and Sri Manjeet
Singh Reen)

ORAL ORDER (COMMON)
{By Hon'ble Sri Justice L. Narasimha Reddy, Chairman}



These two OAs are filed seeking similar relief and the subject matter of both the OAs being same, they are disposed of by a common order.

2. The applicants in OA 3701/2017 are IRS Officers of 2012 batch. Through an order dt. 29.3.2017, they were granted the Senior Time Scale (for short “STS”) w.e.f. 1.4.2017. They filed the OA with a prayer to declare that they became entitled to be put in the STS w.e.f. 1.1.2016 in terms of various Office Memoranda issued by the Department of Personnel & Training (DOPT), the 3rd respondent herein. They have also prayed for quashing of the notification dt. 29.03.2017 and to direct the respondents to extend the benefit of STS w.e.f. 01.01.2016. Similarly, applicants in OA No. 3913/2017, who are IRS officers of 2013 batch, claim the benefit of STS w.e.f. 01.01.2017. Consequential benefits, including pay fixation and seniority are also claimed.

3. The applicants contend that they have been selected on the basis of their participation in the Civil Services Examination, which is common for various All India Services such as IAS, IPS; and in respect of all services, the STS is conferred on completion of 4 years of service, reckoned from the 1st of January of the year following the one, in which the examination was conducted, whereas in the case of IRS, a totally different yardstick is adopted. They contend that stipulation of 1st April of the year, following the one in which the examination was conducted, for the IRS is without any basis and is contrary to the guidelines issued by the 3rd respondent, from time to time.



4. The respondents filed detailed replies. According to them, each Service has its own parameters and characteristics and the applicants cannot compare themselves with the members of other All India Services, in the context of stipulation of date for reckoning of 4 years of service. It is stated that, at one stage, the representations made by the applicants and other similarly situated persons were considered by the rule making authority, but ultimately, it was decided to stipulate the 1st April of the vacancy year as the basis for reckoning 4 years of service in view of the IRS Rules 2015.

5. The applicants filed rejoinders disputing the various pleas raised by the respondents.

6. We heard Sri Pardeep Dahiya, learned counsel for the applicants in both the OAs; and Sri Gyanendra Singh and Sri Rajeev Kumar, learned Counsel for the respondents in OA No. 3701/2017 and Smt. Shabnam Perween and Sri Manjeet Singh Reen, learned Counsel for the respondents in OA No. 3913/2017.

7. The applicants took part in the Civil Service Examination and were allocated to IRS, based upon the ranking secured by them. Applicants in OA No. 3701/2017 belong to 2012 batch and the applicants in the other OA belong to 2013 batch; and all of them joined the service from respective dates. Recruitment Rules provide for promotion to or conferment of STS on completion of 4 years of service after induction. The dates of joining by various officers would vary. Obviously, for that reason, a particular date is stipulated for the purpose of reckoning 4 years of

service. This would be, notwithstanding the exact date on which the officer was appointed to the service.



8. It is true that, in respect of IAS, IPS and other similar services, the stipulation is the 1st January of the year, next to the one in which the examination was held. The 4 years of service for them is to be reckoned from the 1st of January of the year succeeding the year of their appointment. However, in case of IRS officers, the rule making authority has stipulated the 1st April of the year succeeding the one in which the examination was held/ appointments were made. The principal contention of the applicants is that there must be uniformity as regards the date of reckoning 4 years of service in the context of granting STS for all the Services, for which, a common Civil Service Exam is conducted. Howsoever advisable it may be, one cannot overlook the fact that each service has its own features and attributes. The very fact that the participants in the same examination came to be allotted to different services based upon their performance, notwithstanding their preferences, would indicate the difference as to parameters and attributes. The variation exists not only at the stage of induction, but also with respect to the method of progression in service. The nature of duties to be performed by the officers of the respective services are substantially different.

9. It may be true that the DOPT issued certain guidelines indicating that the 1st of January of the succeeding the year of selection can be taken as a basis for reckoning the stipulated residence or length of service. However, except that those guidelines are to be kept in mind, the respective Departments or Ministries are not required to follow them, in letter and spirit. Much would depend upon the circumstances that exist in the respective Departments.



10. It is not as if the respondents were oblivious to the plea raised by the applicants. It was considered in all seriousness up to a certain stage. However, the ultimate decision was taken to stipulate the 1st April as the point of reckoning. In matters of this nature, hardly there would be any scope to invoke Article 14 of the Constitution of India and to draw similarity. The question of discrimination would arise, if only, the parties under comparison are similarly situated. When each Services such as IAS, IPS, IRS, etc. have their own Recruitment and other Rules, their nature of duties and method of progression in service being substantially different, the application of principle of equality for all of them does not arise.

11. We do not find any merit in the OAs and the same are accordingly dismissed. MA pending, if any, shall stand disposed.

12. There shall be no order as to costs.

ARADHANA JOHRI
MEMBER (ADMN.)

JUSTICE L. NARASIMHA REDDY
CHAIRMAN