

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

**O.A. No. 156/2021
M.A. No. 177/2021**



This the 29th day of January, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

1. Sh. Nardev Singh
Aged about 56 years
S/o late Sh. Ramji Lal
R/o 108, Gali No. 2, Ram Nagar
Krishna Nagar Delhi 110051
Working as Medical Laboratory Technologist (MLT)
Group C

2. Ashok Kumar
Aged about 58 years
S/o late Sh. Shiv Narain
R/o L-111A Lajpat Nagar Sahibabad
Ghaziabad (UP)
Working as Medical Laboratory Technologist (MLT)
Group C

... Applicant

(through Sh. Gyanant Kumar Singh, Advocate)

Versus

Govt. of NCT of Delhi through

1. The Chief Secretary
Govt. of NCT of Delhi
Players Building
IP Estate, New Delhi.
2. The Principal Secretary
Department of Health and Family Welfare
Govt. of NCT of Delhi
9th Floor, Delhi Secretariat, New Delhi 110002.
3. The Medical Superintendent
GTB Hospital

Govt. of NCT of Delhi
Dilshad Garden, Delhi.

.. Respondents

(Through Ms. Esha Mazumdar, Advocate)



ORDER (ORAL)

Mr. Justice L. Narasimha Reddy, Chairman :-

The applicants joined the service of Government of National Capital Territory of Delhi in 1990. They were promoted to the next higher post with pay scale of Rs. 4500-7000, in 1998. It is stated that one Shri R. N. Singh who was junior to the applicants in the initial category was not promoted, but his pay scale was upgraded to that of Rs.4500-7000 in view of the implementation of the recommendations of 6th Pay Commission.

2. The applicants were not extended the benefit of ACP Scheme since they got the promotion within 12 years of service. Shri R. N. Singh, on the other hand, is said to have been extended the benefit of ACP Scheme. The applicants contend that on account of the implementation of the recommendations of various OMs or Schemes, a situation has arisen wherein they are drawing less pay than their junior. The representations made by them in this behalf were replied on 15.09.2020. It was stated that



fixation of their pay was found to be in order and their request for revision of the pay scales, cannot be acceded to. This OA is filed challenging the order dated 15.09.2020.

3. The applicants contend that it was for no fault of them, that they are drawing less pay than that of their junior and the respondents are under obligation to remove the anomaly.

4. We heard Shri Gyanant Kumar Singh, learned counsel for the applicants and Ms. Esha Mazumdar, learned counsel for the respondents, at the stage of admission.

5. Even according to the applicants, the so called discrepancy took place in the year 1998. It is stated that while they got the pay scale of Rs.4500-7000 on account of promotion, their junior Shri R. N. Singh, got that very scale of pay without promotion. The applicants were not extended the benefit of ACP because of the promotion, whereas their junior who did not get promotion, got it. Even if what is stated by the applicants is true, it is purely fortuitous. The ACP and MACP Schemes make it abundantly clear that any situation of a junior drawing higher pay than his senior on account of the operation of



the schemes, would not be a ground for upgradation of the pay scale of the senior. No challenge is made to the clauses contained in the Schemes.

6. Further, the discrepancy, if at all, had occurred way back in the year 1998 or round about that. The applicants did not chose to challenge that and have acquiesced in the state of affairs over the past two decades. They cannot be permitted to raise the issue at this stage.

7. The OA is accordingly dismissed. Pending MA also stands disposed of.

There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/lg/pj/jyoti/ns/