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**Central Administrative Tribunal
Principal Bench**

O.A. No. 1460/2004

New Delhi, this the 28th day of January, 2005

**Hon'ble Mr.Justice V.S. Aggarwal, Chairman
Hon'ble Mr.S.A. Singh, Member(A)**

Jagmal Singh s/o Shri Deep Chand,
R/o H.No. 69A,
Baba Haridas Nagar,
Behind New Grain Market,
Najafgarh, New Delhi – 110 043.

...Applicant

(Applicant appeared in person)

Versus

1. Union of India through
Secretary,
Ministry of Home Affairs,
Government of India, New Delhi.
2. Govt. of NCT of Delhi through its
Chief Secretary,
Secretariat, I.P. State, New Delhi.
3. Commissioner of Police,
Delhi Police Headquarter,
I.P. State, New Delhi.

...Respondents

(By Advocate: Ms. Harvinder Oberoi for respondent no. 1
Sh.Falak Mohd. & Sh. Sumit Sharma proxy for
Shri S.Q. Kazim for respondents nos. 2 and 3)

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Order(Oral)

Justice V.S. Aggarwal, Chairman

Applicant was appointed as Assistant Librarian (Civil) on 29.09.1998. By virtue of the present Original Application, he seeks a direction to grant him the benefit of Vth Central Pay Commission in the pay scale of Rs. 5500-9000 from 1.1.1996.

2. The Original Application is being contested.

3. In the separate replies filed by respondent no. 1 on one hand and respondents nos. 2 and 3 on the other hand, it has been pleaded that the applicant was appointed in the scale of Rs. 5000-8000 on 29.9.1998. He had requested and the request had been allowed. The pay scale of the post was revised to Rs. 5500-9000 notionally from 1.1.1996. In accordance with the approval, the pay of the applicant is stated to have been fixed in the pay scale of Rs. 5500-9000 and annual increments had been granted to him.

4. Our attention has been drawn towards the letter of Ministry of Home Affairs dated 6.2.2004, which reads:

"Sir,

I am directed to refer to the correspondence resting with the Govt. of NCT of Delhi's letter no. F.5/27/88/HP-I/Estdt./1175 dated the 5th March, 2003 on the subject cited above and to convey the approval of the Government of India for upgradation of the scale of pay of the post of Library Information Assistant (Civilian) in Delhi Police from Rs. 5000-8000 to Rs. 5500-9000 notionally with effect from 1.1.1996 with the financial benefits being allowed only prospectively. Accordingly, the posts of Library Information Assistant (Civilian) and Senior Library & Information Assistant (Civilian) in Delhi Police also stand merged with effect from 1.1.1996.

2. The expenditure involved in the proposal will be met from the sanctioned Budget Grant of Delhi Police for the year 2003-2004.

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3. This issues with the approval of Ministry of Finance (Department of Expenditure) vide their I.D. Note No. 70/3/2004-JC dated the 16th January 2004 and Integrated Finance Division vide their Dy. No. 3599/FA(H) dated the 13th January, 2004.

Yours faithfully,
 Sd/-
 (T.D. Chhabra)
Under Secretary to the Government of India"

5. To the same effect is the OM of 21.2.2002 issued by the Ministry of Finance, Department of Expenditure, which is also being reproduced for the sake of facility:

"Subject: Recommendations of the Fifth CPC in respect of Library Staff- regarding.

The undersigned is directed to say that the recommendations of the Fifth CPC in respect of the Library Staff as contained in paras 55.155 to 55.180 have been considered by the Government. Since the Fifth CPC had based most of its recommendations on Library Staff on various provisions of OM No. 19(1)/IC/86 dated 24th July, 1990, it has been decided that the ministries/departments concerned should ensure uniform implementation of provisions of this OM.

2. *In so far as addition of new fields for categorization of Libraries as suggested by the Fifth CPC is concerned, the same may be added to the existing fields enumerated in the OM dated 24.7.1990 as and when activities relating to these respective field are introduced in the departmental libraries.*

3. *The entry pay scale for departmental Librarians possessing minimum qualifications of B.Lib along with a graduate degree may, with effect from 1.1.1996, be raised to Rs. 5500-9000 by merging the existing posts of Library Information Assistant and Sr. Library & Information Assistant which are presently in the respective pay scales of Rs. 5000-8000 and Rs. 5500-9000. The incumbents of*

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these posts would consequently be eligible for promotion to the post of Assistant Library Information Officer whose pay scale will remain unchanged.

Sd/-
 (Manoj Joshi)
 Officer on Special Duty (IC)"

6. Applicant, who appeared in person, did not dispute that in terms of what has been pleaded in the counter reply, his pay has been fixed in the scale of Rs. 5500-9000 but he has not been granted the arrears.

7. To this extent, we find little ground to refuse the relief. Once the benefit is being of the Vth Central Pay Commission from 1.1.1996 and it has been so conceded as per correspondence and the Office Memorandum, which we have reproduced above, the pay of the applicant, who joined service on 29.9.1998, necessarily has to be fixed in the scale of Rs. 5500-9000. Accordingly, we only allow the application in part and direct that the pay of the applicant, which admittedly had to be fixed in the scale of Rs. 5500-9000 and has been so done, the arrears, if any, should be paid to him, preferably within four months of the receipt of the certified copy of the present order.


 (S.A. Singh)
 Member(A)


 (V.S. Aggarwal)
 Chairman

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