



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

**O.A. No.3453/2017
M.A. No.1019/2021
M.A. No.946/2021**

This the 29th day of June, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

1. Suresh Chander, SSSA, Group 'C'
Aged about 53 years
S/o Late Sh. Dayanand Singh
R/o Jattipur, P.O. Machhrauli, Samalkha
Panipat, Haryana-132101.
2. Pawan Kumar Aggarwal, SSSA, Group 'C'
Aged about 54 years
S/o Sh. Dharam Pal
R/o VPO Kharindwa, Distt. Kurukshetra
Haryana-136135.
3. Ramesh Singh Rathee, SSSA, Group 'C'
Aged About 52 years
S/o Sh. Chander Singh Rathree
R/o H.No.880/21, Street No. 1
Kailash Colony, Rohtak
Haryana.
4. Ram Kumar, SSSA, Group 'C'
Aged About 46 years
S/o Sh. Ajmer Singh
R/o V&PO Jandheri
Tehsil Shahabad, Distt, Kurukshetra
Haryana.
5. Yog Raj Pundir, SSSA, Group 'C'
Aged About 46 years
S/o Sh. Prem Chand
R/o H.No.198-199, Punjabi Bagh

Gali No.4, Kardhan Road
Ambala Cantt.-133001.
Haryana.

6. Surender Kumar, SSSA, Group 'C'
Aged About 48 years
S/o late Sh. Ram Prakash,
R/o H.No. 1360, Sec-45, Gurgaon,
Haryana



Ranjan Kumar Karmra,
SSSA, Group C,
Aged about 51 years,
S/o late Sh. Krishan Lal,
R/o 720/7, New Colony, Patel Nagar,
Kurukshetra, Haryana-136118

8. Jaspal Singh, SSSA, Group 'C',
Aged about 49 years,
S/o Sh. Chhotu Ram,
R/o Village Mukhali, PO Chaugawan,
Distt. Karnal-132041, Haryana

9. Dharmavir, SSSA, Group 'C',
Aged about 42 years,
S/o Sh. Ransingh,
R/o H.No.411, Gali No.6, Bank Colony,
Najafgarh Road, Bahadurgarh,
Distt.Jhajjar, Haryana-124507

10. Jai Prakash, SSSA, Group 'C',
Aged about 40 years,
S/o Sh. Zile Singh,
R/o Village HansawasKhurd,
Post Badhra, Tehsil Badhra,
Distt.Bhilwani, Haryana-127308

11. Bahadur Singh, SSSA, Group 'C',
Aged about 56 years,
S/o Sh. Matadin Singh,
R/o VPO Jatauli, HailyMandi,
W/No.08, Distt. Gurgaon
Haryana

12. Randheer Singh, SSSA Group 'C',

Aged about 49 years,
S/o Sh. MR Gurjar,
R/o Village Gothra (DhaniBhargaran),
PO Khetri Nagar,
Distt.Jhunjhunu, Rajasthan



13. Balwan Singh, SSSA, Group 'C',
Aged about 50 years,
S/o Sh. Om Prakash,
R/o KamalpurRoran, PO Sangoha,
Distt.Karnal, Haryana-132001
14. Pradeep Kumar Yadav, SSSSA, Group 'C',
Aged about 47 years,
S/o Sh. Mam Chand Yadav,
R/o Vill-Pahladpur, PO-Bharwas,
Distt.Rewari, Haryana
15. Pradeep Kumar Rathi, SSSA, Group 'C',
Aged about 51 years,
S/o Sh. Nathu Ram Gupta,
R/o H.No.316, Sihi Gate,
Azad Nagar, Ballabgarh,
Distt. Faridabad, 121004, Haryana
16. Rammehar, SSSA, Group 'C',
Aged about 45 years,
S/o Sh. Jai Nand,
R/o H.No.24, Gali No.2,
Hans Enclave Colony, NH8, Gurgaon,
Haryana

- Applicants

(By Advocate: Mr. M.K. Bhardwaj)

Versus

1. Employees Provident Fund Organization,
Through Central Provident Fund Commissioner,
Head Office, 14-Bhikaji Cama Place,
New Delhi.
2. The Additional Central Provident Fund Commissioner,
(HRM), EPFO, Head Office,
New Delhi
3. The Asstt. Provident Fund Commissioner,

EPFO, Regional office,
Plot No.43, Sec-44, Gurgaon,
Haryana

4. Directorate General Resettlement,
West Block-IV, RK Puram,
New Delhi-110065

- Respondents



(By Advocates: Mr.Narinder Kumar)

ORDER (Oral)

Justice L. Narasimha Reddy, Chairman:

The applicants joined the service of the Armed Forces and, after retirement, they were employed as Social Security Assistants(SSA)in the Employees Provident Fund Organisation(EPFO) organisation, the first respondent herein. Initially they were not given the pay protection, but at a later stage, that was extended on consideration of the representation made by them. However, an order was passed on 26.07.2017 referring to various representations and official memoranda issued by the DOP&T, taking the view that the pay protection is available only to the commissioned officers and since the applicants were not commissioned officers, the protection needs to be withdrawn. Feeling aggrieved by the same, they filed this OA.

2. The applicants contend that they have not been given an opportunity of being heard, before passing the impugned order and at any rate, the distinction sought to be maintained by respondents cannot be sustained in law.



3. We heard Mr. M.K. Bhardwaj, learned counsel for the applicant and Mr.Narender Kumar, learned counsel for the respondents.

4. The subject matter of the impugned order is pay protection to ex-servicemen, appointed as SSA in the first respondent organisation.

5. As observed earlier, the pay protection was not given earlier but was extended later. The respondents have taken the view through the impugned order that such pay protection is available only to the commissioner officers. Whatever may be the circumstances, under which the impugned order came to be passed, in the recent past, the Hon'ble Delhi High Court held in WP(C) No.10026/2016 decided on 09.01.2019 that the distinction cannot be maintained between the commissioned officers on the one hand, and non commissioned officers on the other hand, in the context of pay protection on their re-employment. A similar order is said to have been passed in OA No.1093/2013 by the Bangalore Bench on 18.06.2014.

6. The applicants can make a representation in this behalf. We do not feel it necessary to set aside the impugned order. At the same time, the respondents shall be under obligation to pass necessary orders, duly taking into account, the judgments referred above.



7. We, therefore, dispose of the OA leaving it open to the applicants to make a representation enclosing the copies of the judgments in WP(C) No.10026/2016 and OA No.1093/3013 within a period of four weeks from the date of receipt of a copy of this order. On receipt of the representation submitted by the applicants, the respondents shall pass appropriate orders on the same within a period of four weeks thereafter. Till such time, the re-fixation of the pay scales in the light of the impugned order shall be deferred.

8. Pending MAs shall stand disposed of. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/lg/vb/ns/sd