

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

Original Application No.596/2013

*Tuesday*... this the *17<sup>th</sup>* day of November 2015

**C O R A M :**

**HON'BLE Mr.JUSTICE N.K.BALAKRISHNAN, JUDICIAL MEMBER**  
**HON'BLE Mrs.P.GOPINATH, ADMINISTRATIVE MEMBER**

Jacob Paul @ M.P.Yacob,  
S/o.late P.M.Poulose,  
Retired Deputy Superintendent (Finger Print),  
Central Finger Print Bureau,  
National Crime Records Bureau,  
East Block, 7, R.K.Puram, New Delhi – 110 066.  
Residing at Mangattampillil House,  
Akapparambu, Mekkad – 683 589, Ernakulam Dist.

...Applicant

(By Advocate Mr.M.P.Krishnan Nair)

**V e r s u s**

1. The Union of India  
represented by Secretary to the Government,  
Ministry of Home Affairs, North Block,  
New Delhi – 110 001.
2. The Secretary, Ministry of Finance,  
North Block, New Delhi – 110 001.
3. The Secretary, Department of Expenditure,  
Ministry of Finance, North Block,  
New Delhi – 110 001.
4. The Director, Central Bureau of Investigation,  
5-B, CGO Complex, Lodi Road, New Delhi.
5. The Director, National Crime Records Bureau,  
East Block, 7, R.K.Puram, New Delhi – 110 066.

...Respondents

(By Advocate Mr.T.C.Krishna, Sr.PCGC)



.2.

This application having been heard on 7<sup>th</sup> October 2015 this Tribunal on 17<sup>th</sup> November 2015 delivered the following :

**ORDER**

**HON'BLE Mrs.P.GOPINATH, ADMINISTRATIVE MEMBER**

Applicant was appointed as Assistant Central Intelligence Officer – Gr.II on 12.5.1975 in the pay scale admissible to similarly placed officers of corresponding rank in the Central Bureau of Investigation (CBI) and retired on 31.5.2010. In the appointment order the designation was shown as Assistant Central Intelligence Officer, Grade II (ACIO – II) and accordingly he joined in CFPB/CBI, Kolkata on 12.5.1975. In the appointment letter it is stated :-

- a. "The appointee will have no claim whatsoever for his transfer to the Executive cadre of the CBI. His promotion in the CFPB cadre will strictly in accordance with the Recruitment Rules in force."
- b. "The appointment carries with it the prospect of promotion to the rank of ACIO – I (Rs.550-900), DCIO (Rs.650-1200) and Director, CFPB (Rs.820-1250) pre revised."
- c. "He will be on probation for a period of 3 years from the date of appointment, he will be required to attend to the normal work of the CFPB, viz.comparison, search, recording, testing, indexing, classification of finger print slips, document cases and any other type of work that may be specified for the post from time to time, as part of his job."
- d. "He will be entitled to draw Rs.425/- p.m as pay in the scale of Rs.425-15-530-15-560-20-600 plus dearness and other allowances at the rates admissible to officers of corresponding rank in the CBI under rules and orders governing the grant of such allowances in force from time to time."

2. Vide CBI order No.X/1/77 – CW (A/Cs) dated October 28, 1977, the applicant was redesignated as Sub Inspector (FP). On 1.7.1986, the administrative control of Central Finger Print Bureau (CFPB) was



.3.

transferred from the CBI to National Crime Records Bureau (NCRB), New Delhi which was established in pursuance of the National Police Commission Report chaired by Mr. Dharam Vira. In one of its letters to the Director CBI, NCRB noted that "the designation/nomenclature were changed on the analogy of CBI with the addition of FP for administrative facility in respect of financial sanctions etc., though Central Finger Print Bureau (CFPB) is directly controlled, regarding budget estimates, by Ministry of Home Affairs and its accounts are maintained by P&AO, DCPW, MHA, Government of India, New Delhi and not by CBI, P&AO. Hence, CFPB may easily work as an independent unit in the same manner as it is where it is with same facilities and services to the Govt. as enjoyed so far under IB/CBI." NCRB, order No.43/3/86 – Admn./NCRB (I) dated 28.12.1987 transferred 6 posts Dy.S (FP) – 01, Inspector FP – 01 and Sub Inspector FP – 04 from Central Finger Print Bureau (CFPB), Kolkata to NCRB, New Delhi. The order says that :

"the other terms and conditions attached to the aforesaid posts will remain unchanged."

3. The IV Central Pay Commission recommended Rs.2000-3500 as the scale of pay of the Deputy Superintendent, CBI as well as Deputy Superintendent, CFPB. Subsequently, it was revised in the case of Deputy Superintendent, CBI to Rs.2200-4000 with effect from 1.1.1986. The National Crime Records Bureau did not implement the above revised pay for the Deputy Superintendent, NCRB. The applicant retired from service

.4.

on 31.5.2010. While the applicant was in service he was making various representations for grant of parity of pay scale with that of Deputy Superintendent of Police, CBI. The applicant filed O.A.No.473/2011 before the Tribunal to declare that the applicant is entitled to parity of pay scale of Dy.SP (CBI) at Rs.8000-13500 (pre-revised) as per the terms and conditions of his initial appointment. The Tribunal as per order dated 24.8.2012 delivered :

“In the conspectus of the facts and circumstances of the instant case, we are of the considered view that the respondent No.3 should reconsider the issue of granting parity in scale of pay to the applicant with that of the Dy.SP, CBI having regard to all relevant facts. Ordered accordingly. If parity is granted, the question of discontinuance of the special allowance may be considered in order to enable the respondents to take a holistic view of the matter, Annexure A-1 order is set aside. The representation of the applicant for parity in pay with his counterpart in the CBI should be disposed of by a speaking order and communicated to the applicant within a period of three months from the date of receipt of a copy of this order”.

The respondents rejected the claim of the applicant for parity of pay in the pay scale commensurate with that of the Central Bureau of Investigation counterpart.

4. Applicant cites O.A.No.1816/2011 filed by Sukanta Halder & 2 others), O.A.No.1011/2011 filed by Shri.J.S.Thakur & 19 others and W.P.C.No.7526/2010 filed by Union of India & ors v. P.C.Chinhara & ors in support of his case. In O.A.No.1816/2011 the Principal Bench of the Tribunal held that :



.5.

"Finally, therefore, the O.A is allowed for parity of reasons. The impugned order dated 21.1.2011 (Annexure A-1) is hereby quashed and set aside. Respondents are directed to grant the grade pay of Rs.4800/- in Pay Band (PB) 2 from 1.1.1996 with all consequential benefits to the applicants. Ours is a welfare State and we hope that the respondents being Model Employers, would do the needful expeditiously say within a period of three months from the date of this order."

5. Similarly in O.A.No.1011/2011 it has been held that :

"The O.A is allowed. Order dated 29.10.2010 ( Annexure A-1) is quashed and respondents are directed to grant Grade Pay of Rs.4800/- at par with the Field Officers of other organizations like RAW, ARC and SFF to the applicants with effect from 1.1.2006 with all consequential benefits. It is also provided that this parity may be granted to all the similarly situated Field Officers of this organizations. The order will be complied with by the respondents within a period of three months from the date a copy of this order is produced before them."

6. The High Court of Delhi in WPC No.7526/2010 has held that :

"2. It is also not in dispute that permanent absorption under the Ministry of Home Affairs would mean a change of cadre for the offices deputed under the Ministry of Home Affairs in the form of SSB Unit assigned to the Ministry of Home Affairs and till date no option has been sought for from these persons.

3. It is settled law that an employee in a cadre cannot be permanently absorbed in another cadre without his consent. We hasten to add that it is permissible to merge cadres. But, where there is no merger of cadres it would be impermissible to hive of a cadre by sending some persons to a different cadre, without seeking their option.

4. The Tribunal has returned a finding of fact that the SSB Unit, which was an integral part of the Cabinet Secretary has been not merged with the Ministry of Home Affairs cadre but only administrative control has been given to the Ministry of Home Affairs."

7. The main reliefs sought by the applicant is to declare that the applicant is entitled to restoration of the parity of pay scales of Deputy Superintendent (Finger Print) of Central Finger Print Bureau with that of the Deputy Superintendent of Police of Central Bureau of Investigation from



.6.

Rs.6500-10500 plus Special allowance of Rs.400/- to Rs.8000-13500 (pre-revised) from the day of his promotion as Deputy Superintendent (Finger Print) on 7.12.2006 and refix on 1.9.2008, the day on which applicant was granted Modified Assured Career Progression, and grant arrears and consequential benefits including retiral benefits and monthly pension.

8. Respondents in their reply statement submitted that NCRB was created vide Govt. Resolution No.24013/13/85-GPA.IV dated 11.3.1986 after accepting the recommendations of the National Police Commission to set up the National Crime Records Bureau, State Crime Records Bureau and the District Crime Records Bureau. National Crime Records Bureau with headquarters at New Delhi was created as an attached office of the Ministry of Home Affairs and the following units already in existence as part of the various Central Police Organizations of the Government of India were merged in the National Crime Records Bureau :

- a. Directorate of Co-ordination Police Computers (DCPC)
- b. Central Fingerprint Bureau of CBI
- c. Statistical Section of BPR&D and
- d. Inter State Criminal Data Section of CBI

9. In pursuance of the above resolution, the administrative control of CFPB was transferred from the CBI to National Crime Records Bureau, New Delhi vide Ministry of Home Affairs order No.32/2/86-Admn/FP.II



.7.

dated 1.7.1986. Respondents aver that there was no written agreement to show that the pay and the other terms and conditions of the transferred posts will remain unchanged or at par with corresponding posts of CBI till the end of their service time. The officials were transferred along with their respective posts, they continued work in the same posts in the new organization viz. the National Crime Records Bureau even after their transfer. It is stated that "the terms and conditions attached to the aforesaid posts will remain unchanged" as mentioned in NCRB's Order dated 28.12.1987 is not a permanent thing, but, would be till the time NCRB formulates its own rules and regulations for the posts. Accordingly, NCRB amended the then existing Recruitment Rules of erstwhile CBI for the various post including Dy. Superintendent (FP) vide Notification No.105/11/86-Admn/NCRB/Pers.I dated 20.5.1988 and subsequently framed fresh Recruitment Rules vide Notification No.22/5/2010-Ad.1(B)/NCRB dated 7.11.2012 and issued Corrigendum dated 20.5.2014. The Deputy Superintendent of Police (DSP) in CBI is a Group A post, and in NCRB the Dy. Superintendent (Finger Print) Dy.SP (FP) is a Group B post. Mode of recruitment/selection also differs. Eight years regular service in the grade of Inspector is required for promotion to the grade of Deputy Superintendent of Police in CBI, whereas only two years service required in the grade of Inspector (FP) for promotion to the grade of Deputy Superintendent (Finger Print) in NCRB. At the time of transfer of CFPB of erstwhile CBI in 1985/87, there was only one post of Dy. Superintendent



.8.

(FP) as against 10 posts now. The applicant was holding the post of Sub Inspector (FP) and he was promoted to the post of Dy. Superintendent (FP) on 7.12.2006. Therefore the claim of the applicant for the pay and allowances at par with non existing corresponding post of CBI, whose nomenclature, duties and responsibilities are entirely different from that of NCRB, that too after 25 years of his transfer, is not tenable. It is reiterated that the revision of pay scales falls within the jurisdiction of executive government and the Pay Commissions. It is the prerogative of the Government which normally acts on the recommendations of the Pay Commissions to revise the pay scales. It was decided by the Government to transfer, the entire Central Finger Print Bureau except that portion of the staff who are concerned with the investigation work of the erstwhile CBI with the National Crime Records Bureau and hence calling option from the concerned employees of erstwhile CBI was not considered necessary. Once they are transferred and got merged with the new organization viz. NCRB, they ceased to be the employees of erstwhile CBI. The Deputy Superintendent of Police (DSP) in CBI and Deputy Superintendent (Finger Print) Dy.SP (FP) in CFPB of NCRB are two different organizational posts and are completely different in respect of their duties and responsibilities. Respondents contend that the pay and grade pay of applicant is as per replacement scales recommended by the Pay Commission and as approved by the executive government for implementation. Special allowance was enhanced from Rs.400/- to Rs.800/- in line with 6<sup>th</sup> CPC recommendations.





No allowance is taken into account for calculation of pension. On the same analogy, the special allowance granted to Dy. Superintendent (FP) is also not included for calculation of pension.

10. The respondents urge that CFPB unit of erstwhile CBI along with units brought in from various Central Police Organizations (CPOs) like CBI, DCPC and BPR&D got merged to form NCRB. Once the NCRB was formed the units brought in from CPOs became part and parcel of the newly created NCRB and governed by the rules and regulations of NCRB. Consequently, they were automatically delinked from their erstwhile respective CPOs as these posts neither belonged to organized All India Service nor were encadred with other organizations. Therefore, pay, etc. of CFPB personnel of NCRB need not be same as that of similar posts in other organizations, including that of present CBI. Since it was decided by the Government to transfer lock, stock and barrel and merge the entire Central Finger Print Bureau, except that portion of the staff who are concerned with the investigation work of the erstwhile CBI, with the National Crime Records Bureau calling of option from the concerned employees of erstwhile CBI was not considered necessary. However, efforts were made by the respondents to grant equal pay scale, Grade Pay, etc. to Dy. Superintendent (FP), CFPB at par with DSP of CBI, but the same was not found feasible due to differential aspects of service conditions, duties and responsibilities of DSP of CBI and Dy. Superintendent (FP) of NCRB.



Granting of Special Allowances to Dy. Superintendent (FP) is not a new thing as the same was in existence prior to implementation of the recommendations of 6<sup>th</sup> CPC. The Dy. Superintendent (FP) CFPB were getting a special pay of Rs.200/- in 4<sup>th</sup> CPC and Rs.400/- in 5<sup>th</sup> CPC along with their basic pay in the same pay scale meant for both posts, viz. Inspector (FP) as well as Dy. Superintendent (FP). As held by the Hon'ble Supreme Court in a catena of cases that 'equation of posts and determination of pay scales is the primary function of the Executive and not the Judiciary and therefore, ordinarily courts will not enter upon the task of job evaluation which is generally left to expert bodies like the Pay Commissions etc. There was no written agreement that the pay and the other terms and conditions of the transferred posts will remain unchanged or at par with corresponding posts of CBI till the end of their service.

11. In order to accommodate the demands and assuage the feelings of the Dy. Superintendent (FP), the proposals regarding revision of pay scale and grade pay of Dy. Superintendent (FP), CFPB, at par with CBI personnel as per 5<sup>th</sup> and 6<sup>th</sup> CPC were considered by the respondents in consultation with Finance Ministry but the same was not found feasible. The action of respondents in this regard were fully transparent and known to all the aggrieved persons including the applicant from time to time. It is submitted that at the time of transfer from erstwhile CBI with effect from 1.7.1986, the applicant was holding the post of Sub Inspector. He was promoted to the



.11.

post of Dy. Superintendent (FP), CFPB with effect from 7.12.2006. Hence he does not have any locus standi to demand pay parity or refixation of his pay at par with present day CBI personnel based on revised pay benefits granted to them. The officials transferred continued to work in their respective posts and in the same pay and scale of pay in the new organization viz. NCRB, till such time as NCRB formulated its own rules and regulations for various posts brought in from different organizations, including Dy. Superintendent (FP). It is a settled issue that the officials of NCRB are bound by the duties, responsibilities, rules and regulations of NCRB, although some had been brought in from different CPOs to create the new organization. It has also been held by the Hon'ble Supreme Court that equivalence of two posts is not judged by the sole fact of equal pay but many factors other than pay will have to be taken into consideration like the nature of duties, functions, responsibilities, powers exercised by the persons holding the post, mode of recruitment, promotion and qualification etc.

12. Respondents aver that the general principle is that when work is transferred along with staff from one Government office to another Government office, they will cease to be the employees of the former office/organization. The transferees have been taken on the strength of NCRB on the same terms and conditions of CBI that were prevailing at the time of their transfer. However, the future service conditions would be governed by a different set of factors that occur from time to time like Pay



Commission, quantum of work, restructuring and other Government policies regarding service conditions of different cadres. Once the applicant along with his post has been transferred to NCRB, his claim for parity in the pay scale with that of CBI cannot therefore be accepted. It is settled law that unless two sets of employees are similarly situated and discharge similar duties, the claim for equal pay cannot be agreed to vide (State of M.P and anr. Vs. Pramod Kumar Bhartiya and ors. JT 1992 (5) SC 683, State of West Bengal Vs. Harinarayan Bhowal 1994 (27) ATC 524 and Union of India and anr. Vs. P.V.Hariharan and anr. 1997 SCC (L&S) 838).

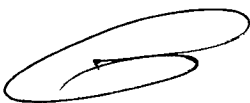
13. The 4<sup>th</sup> CPC recommended Rs.2000-3500 + Spl. Pay Rs.200/- with effect from 1.1.1986 for the Dy.SP post. However, CBI took up a separate proposal to upgrade the scale of Dy.SP in their office. DoPT in consultation with Department of Expenditure revised their scale to Rs.2200-4000/- with retrospective effect from 1.1.1986 vide their OM dated 8.2.1996. CFPB officers had already been transferred to NCRB with effect from 1.7.1986 and hence were not proposed for upgradation. As a consequence of this, the Dy.SP (FP) in CBI was given the pay scale of Rs.8000-13500 as a normal replacement pay scale for Rs.2200-4000. On the other hand, Dy.SP in CFPB, since 1986 have been granted the normal replacement scale of 4<sup>th</sup> CPC scale of Rs.2000-3500. It was further observed that neither 5<sup>th</sup> nor 6<sup>th</sup> CPC recommended any upgradation in their pay scale. Hence, there appeared no question of any parity between the pay scales of Dy.SP (CBI)



.13.

and Dy.SP (FP). In view of the above, neither on the ground of parity with Dy.SP (CBI) nor on account of any anomaly created by 6<sup>th</sup> CPC, there appeared any justification to upgrade the pay scale in CFPB.

14. Keeping in view the interest of the organization, a working pyramid for an attractive promotional channel and also to avoid the anomaly arising out of placing the posts of Inspector (FP) and Dy.SP (FP) under the same grade pay of Rs.4600/- in the Pay Band – 2 ie. Rs.9300-34800, a proposal for upgrading the scale of Dy.SP (FP) and placing the post in the PB – 3 Rs.15600-39100 with the Grade Pay of Rs.5400/- was mooted and examined in consultation with Department of Expenditure. However, it was not found feasible and therefore was not agreed to. In order to provide distinction between the feeder grade and the promotional post, the special allowance of Rs.800/- was approved for the post of Dy.SP (FP). The applicant was granted IIIrd MACP in the grade pay of Rs.4800/- vide Bureau's order dated 30.8.2012. In the same order the Special Allowance which was withdrawn vide order dated 17.1.2011 was also restored. It is submitted that the orders of the CAT dated 20.7.2012, 16.4.2012 and High Court order dated 18.11.2010 are not applicable to the case of the applicant. All the three cases quoted by the applicant are not relevant to the present case as in those cases the applicants were seeking parity of pay for a post which they were holding while getting transferred along with the post from their erstwhile parent cadre.



.14.

15. Heard counsel for the parties and considered the written submissions made. The main prayer of applicant is restoration of the parity of pay scales of the post of Dy. SP (Finger Print) of CFPB with the Dy. SP (CBI) in pre revised scale Rs.8000-13500/- with effect from 7.12.2006, the day he was promoted as Dy. SP. The applicant also seeks that the refixation be accompanied by payment of arrears arising out of the same with consequential benefits. Applicant produces three judgments in O.A.No.1816/2011, O.A.No.1011/2011 and O.A.No.3319/2009 of the Principal Bench wherein applicants were transferred from the control of DG Security, Cabinet Secretariat to Ministry of Home Affairs for functional reasons and continued to perform the same work in the new organization as in the earlier parent organization, as was the position in this case also, and were given same grade pay as given to similarly placed officials in the parent organization from which they were transferred.

16. The main argument of the respondent is that when the National Crime Records Bureau was created on the recommendations of the National Police Commission, the Central Finger Print Bureau of CBI was transferred to the NCRB with the officials working thereon except those who are connected with investigation work and hence on creation it became a different organization with different service conditions. The transfer was for administrative and operative reasons to enable computerisation of criminal records of identification by finger print, under one centralized authority.



Prior to the transfer, Deputy Superintendent in the composite CBI, which included Deputy Superintendent of CFPB were given the same scale of pay. The parity was removed when pay scale of the Deputy Superintendent in CBI, post IV CPC was revised from Rs.2000-3500 to Rs.2200-4000 with effect from 1.1.1986 and the benefit was not extended to Deputy Superintendent of CFPB transferred from the same parent organization CBI. The respondent has not satisfactorily replied as to why similarly placed officials recruited under same terms and conditions by the same examination and for the same organization were chosen to be treated differently. Those Inspectors recruited after the creation of NCRB for NCRB and as per revised recruitment rules may be treated as per revised recruitment rules. When the applicant approached this Bench, they ordered that the respondents should reconsider the issue of granting parity in the scale of pay to the applicant with that of Deputy Superintendent, CBI. The applicant was therefore directed to give a representation which was to be considered. That was rejected by respondents.

17. It is seen from Annexure A-15 notes of NCRB, Home Ministry and Department of Expenditure obtained under RTI by applicant that both the NCRB and the Home Ministry including Ministry of Home, (Finance) have since 2006 on several occasions supported the case of applicant on functional ground and on the ground that the financial implication of parity of scale with Deputy Superintendent CBI will be minimal as the Inspectors



would have reached the maximum of their scale of pay before promotion as Deputy Superintendent. Further the Inspector and Deputy Superintendent in NCRB were both in the same pay scale of Rs.6500-10500 with only a difference of Rs.400/- Special Pay payable to the Deputy Superintendent which not only created an anomaly but made supervision difficult between superiors and subordinates. The promotion from Inspector to Dy.SP did not involve any upgradation in the pay scale. The upgradation was justified for effective command and control also. The anomaly in the similarity of pay scale of Inspector and Deputy Superintendent was rectified in CBI, IB and other Central Para Military Forces by upgrading the scale from Rs.6500-10500/- to Rs.8000-13500/-. The Department of Expenditure did not appreciate the need to correct the anomaly in CFPB as done in other similar organizations and suggested that the matter be taken up with the VI CPC. But that was not done by the respondents. The Department of Expenditure in the said Annexure observed that the post of Deputy Superintendent in CFPB is filled up by promotion failing which by transfer on deputation whereas Dy. Superintendent in CBI is filled, 40% by promotion, 50% by deputation/absorption and 10% by Direct Recruitment. Thus the difference is only over the 10% Direct Recruitment quota in CBI Dy.SP cadre justifying the upgraded scale, overlooking the 90% similarity in the two posts of Dy. Superintendent in the two organizations. It is also observed that unlike other similarly placed organizations which are large, the CFPB is a small organization with fewer posts and in view of the specialized nature





of work, it seems, the element of direct recruitment is not resorted to presumably to protect the promotional interests of the feeder grade. Respondents point out that Inspectors in NCRB are promoted to Dy. Superintendent with two years service, whereas Inspectors in CBI are promoted to Dy. Superintendent after eight years of regular service. However, it is noted that applicant was an Inspector at the time of transfer to NCRB in 1985 and was promoted to Dy.SP in NCRB in 2006 and hence he also had eight years of qualifying service as required under the CBI rules, to which organization he was recruited.

18. From a perusal of the history of the case as presented by applicant and respondents, it appears that efforts had been made to process the applicant's case for being given the upgraded CBI Deputy Superintendent scale in view of the historical parity but the same was not agreed to by the 3<sup>rd</sup> respondent despite the anomaly that the feeder post of Inspector (FP) and promotional post of Deputy Superintendent (FP) in NCRB are in the same pay Band 2 and with the same grade pay of Rs.4200/-. Had the Finger Print Bureau continued in CBI where he was recruited, he would have got the benefit of the higher pay scale. The transfer of Finger Print Bureau out of CBI was not of the applicant's choice, but in the administrative interest of consolidating the crime records from the district to the national level under one agency, the NCRB. The hiving off of the posts from CBI to create



the NCRB had been effected without seeking an option from the applicant. It is true that the nature of duties and responsibilities of the post and mode of recruitment are important factors while considering parity, but the factor which weighs heavily in favour of applicant is that the posts in the transferred NCRB were posts held earlier in CBI with the same recruitment and service terms and conditions and the applicant and Inspectors CBI were similarly situated persons, and treating them differently will be infringing the law of equality. There was no rationale in denying the upgraded pay scale as neither applicant nor respondent brings out that the nature of work performed by applicant after transfer to NCRB and while the unit was working under CBI was different. The respondents relies heavily on the fact that the two organizations are today independent of each other but ignores the fact that applicant and similarly placed persons were recruited under the same conditions when they were selected in the parent organization and the transfer of applicant was not effected by offering a choice of retention in the parent organization where applicant was recruited, or to move with the post to the hived off organization. Further vide Annexure A-7 order, the transfer of 4 Sub Inspectors (Finger Print) posts which included the post held by the applicant was made on the premise in para 3 that the terms and conditions attached to the aforesaid posts will remain unchanged. The issues raised in this O.A are also covered by the orders of the Principal Bench in O.A.No.3319/2009, O.A.No.1816/2011 and O.A.No.1011/2011.



.19.

19. The O.A is allowed and respondents are directed to reconsider the claim of the applicant. Applicant be considered for placement in the pre-revised pay scale of Rs.8000-13500 with effect from his date of promotion as Deputy Superintendent (Finger Print) and grant all consequential benefits and refix the retiral benefits and arrears thereof within a period of three months from the date of receipt of a copy of this order taking note of the special circumstances pointed out above and to mitigate the grievance of the applicant who was initially recruited as Sub Inspector in CBI along with other similarly placed persons in the 4<sup>th</sup> respondent organization. No order as to costs.

(Dated this the 17<sup>th</sup> day of November 2015)



**P.GOPINATH**  
**ADMINISTRATIVE MEMBER**



**N.K.BALAKRISHNAN**  
**JUDICIAL MEMBER**

asp