

**Central Administrative Tribunal,
Lucknow Bench, Lucknow**

Original Application No. 37/2011

Reserved on 28.04.2015

Pronounced on 26-5-2015

Hon'ble Sri Navneet Kumar, Member (J)

Hon'ble Ms. Jayati Chandra, Member (A)

1. Harsh Bahadur aged about 58 years son of Late Shri Jotila, resident of 2/204, Yashodapuram Colony, Madiyaon Gaon Road, Sec-I, Jankipuram, Lucknow.
2. Vivek Bajpai aged about 34 years son of Late Shri P.D. Bajpai, resident of 2235/9, Sindhu Bagar, Krishna Nagar, Lucknow.
3. Kailash Chandra aged about 52 years son of Late Shri Mohan Lal, resident of 163, Hata Ram Das, Sadar Bazar, Lucknow.
4. Smt. B.K. Pillai aged about 60 years daughter of Late Shri A.R.C. Nair, resident of 4/223, Sector-4, Jankipuram Vistar, Lucknow.
5. Chandra Kant Kausik aged about 35 years son of Shri Jeevan Lal Kausik, resident of C-42, CSIR Colony, Nirala Nagar, Lucknow.
6. Smt. Harjeet Kaur Jauhar aged 50 years wife of Shri Kulbeer Singh, resident of 154/1, Chandar Nagar, Alambagh, Lucknow.
7. Hem Chandra aged about 51 years son of Late Shri S.L. Chaudhri, resident of B-24, Nehru Vihar, Kalyanpur, Lucknow.
8. Smt. Rama Dhawan aged about 53 years wife of Shri V.K. Dhawan, resident of C-461/B, Indira Nagar, Lucknow.
9. Smt. Vatsala G. Nair aged about 51 years wife of Shri T.R.G. Nair, resident of T.M. 23, CSIR Colony, Tagore Marg, Lucknow.
10. B.K. Shukla aged about 51 years son of Late Shri K.C. Shukla, resident of C-33/10 PMC, Lucknow.
11. Rashmi Srivastava aged about 47 years wife of Shri A.P. Srivastava, resident of 11/978, Sector-11, Indira Nagar, Lucknow.
12. N.K. Checker aged about 59 years son of Late Shri J.R. Checker, resident of C-29, CSIR Colony, Nirala Nagar, Lucknow.
13. Krishna Raj Singh aged about 34 years son of Shri L.S. Rathore, resident of C-49, CSIR Colony, Nirala Nagar, Lucknow.
14. Birendra Singh aged about 52 years son of Late Shri R.P. Singh, resident of 548/C-123, Chandrodaya Nagar, Rajajipuram, Lucknow.

15. Dilip Kumar aged about 49 years son of Late Shri Mool Chand, resident of B-2088, Indira Nagar, Lucknow.
16. C.P. Nawani aged about 56 years son of Late Shri B.N. Nawani, resident of L-3/D, Sector-D, LDA Colony, Kanpur Road, Lucknow.
17. V.K. Kanal aged about 53 years son of Shri T.T. Kanal, resident of LIG-I, LDA Aishbagh Colony, Lucknow.
18. Dilip Kumar Sen aged about 46 years son of Late Shri B.N. Sen, resident of 568 Ka/80, Krishana Pally, Alambagh, Lucknow.
19. Tej Singh aged about 55 years son of Late Shri Chandra Singh, resident of 592 Jha/485, Rathindra Nagar, P.O. Kharika, Telibagh, Lucknow.
Applicant Nos. 1-19 are working as Assistant (G) Gr. 1 in the Pay Band 9300-34800 with Grade Pay Rs. 4200/- in CDRI, Lucknow.
20. Ms Nitu Kumari aged about 33 years D/o Late Shri Surendra Prasad Gupta C/o Shri Ambika Prasad, resident of Ho. No. 1-52/497, Sector-F, Jankipuram, Lucknow.
21. S.L. Gupta aged about 51 years son of Late Shri V.P. Gupta, resident of 4/579, Vikas Nagar, Lucknow.
22. Mahesh Babu aged about 45 years son of Late Shri Fakirey Lal, resident of C-1211/2, Indira Nagar, Lucknow.
23. Smt. Ajitha Nair, aged about 58 years wife of Shri P.K. B. Nair, resident of 3/433, Vivek Khand, Gomti Nagar, Lucknow.
24. Smt. Radha shashidharan aged about 51 years wife of Shri C.P. Shashidharan, resident of 10/39, Indira Nagar, Lucknow.
25. U.K. Tiwari aged about 51 years son of Shri R.K. Tiwari, resident of 364/42, Saadatganj, Bavli Bazar, Lucknow.
26. R.C. Bisht aged about 55 years son of Late Shri K.R. Bisht, resident of C-41, CSIR Colony, Nirala Nagar, Lucknow.
27. R.P. Tripathi aged about 46 years son of Shri P.P. Tripathi, resident of D-147, Sector-P, Aliganj, Lucknow.
Applicant Nos. 20-27 are working as Assistant (F&A) Gr. I & Gr. II (ACP) in the Pay Band 9300-34800 with Grade Pay Rs. 4200/- on CDRI, Lucknow.
28. Anil Kumar Govil aged about 55 years son of Shri B.K. Govil, resident of D-1/30, Sector-F, Jankipuram, Lucknow.
29. P.S. Chauhan aged about 50 years son of Shri O.P. S. Chauhan, resident of 13-A, Kailashpuri, Alambagh, Lucknow.
30. K.K. Mishra aged about 55 years son of Shri D.D. Mishra, resident of 22/360, A Block, Indira Nagar, Lucknow.
31. A.K. Mishra aged about 54 years son of Shri I.B. Mishra, resident of Vimal Kunj, Faridi Nagar, Lucknow.

32. Arun Vadhera aged about 48 years son of late Shri C.L. Vadhera, resident of 232, Eldico-1 Ravikhand, Lucknow.
33. H.B. Neolia aged about 50 years son of Shri G.B. Neolia, resident of 84 Trimurti Nagar (Sarojini Nagar) Lucknow.
Applicant Nos. 28-33 are working as Assistant (S&P) Gr.I & Gr. II (ACP) in the Pay Band 9300-34800 with Grade Pay Rs. 4200/- in CDRI, Lucknow.
34. Vinod Kumar Yadava aged about 39 years son of Shri A.P. Yadava, resident of 555 Ja/99, Mehndikhera, Manak Nagar, Lucknow.
35. Mrs. Padmini P.S. aged about 50 years wife of Mr. N Sahadeon, resident of N-567, Ashiana Colony, Lucknow.
36. Smt. Seema Srivastava aged about 47 years wife of Mr. D.K. Srivastava, resident of E.III/123, Sector-H, Aliganj, Lucknow.
37. Smt. Nandita Pandey aged about 49 years daughter of Shri M.N. Pandey, resident of 17/201, Malhar Sahara States, Jankipuram, Lucknow.
38. Smt. Renuka Mushran aged about 47 years daughter of Shri S.N. Kaul, resident of C-948, Sector-B, Mahanagar, Lucknow.
39. Varun Kumar Pathak aged about 29 years son of Shri O.P. Pathak, resident of 551 Ka/146, Bhilawan, Chandar Nagar, Alambagh, Lucknow.
40. Jitendra Patel aged about 31 years son of Shri A.P. Patel, resident of B-371, Rajajipuram, Lucknow.
Applicant Nos. 34-40 are working as Sr. Stenographer in the Pay Band 9300-34800 with Grade Pay Rs. 4200/- in CDRI, Lucknow.
41. B.D. Singh aged about 55 years son of Shri Thakur Lal, resident of 8/61, Vikash Nagar, Lucknow.
42. H.C. Bhatta aged about 54 years son of Late Shri T.D. Bhatt, resident of Kumhar Mandi, Telibagh, Lucknow.
43. Jai Prakas Singh aged about 38 years son of Shri R.K. Singh resident of TM 25, CSIR Colony Tagore Marg, Lucknow.
44. Smt Sona Lamsal aged about 48 years daughter of Shri Hari Bahadur, resident of Ismailganj near Shukla Atta Chakki, Faizabad Road, Lucknow.
45. V.N. Srivastava aged about 54 years son of Late Shri M.N. Srivastava, resident of 28, Narhi, Lucknow.
46. Smt. Swapna Ghosh aged about 51 years w/o Shri A.K. Ghosh, resident of 3/399, Vivek Khand, Gomti Nagar, Lucknow.
47. Anita Arora aged about 49 years wife of Shri D.K. Arora, resident of 35, Sachivalaya Colony, Mausambagh, Sitapur Raod, Lucknow.
48. R.P. Singh aged about 56 years son of Shri Jagpal Singh, resident of 569 Ch/18, Premnagar, Alambagh, Lucknow.

49. Amita Johari aged about 50 years wife of Shri Ashish Johri, resident of 529/648, Rahim Nagar, Lucknow.
 50. Anil Upadhyay aged about 32 years son of Shri Akhileshwar Upadhyay, resident of C-23, CSIR Colony, Niralanagar, Lucknow.
 51. G.C. Nigam aged about 52 years son of Shri Ayodhaya Prasad Nigam, resident of D 1/70 Sector-F, Jankipuram, Lucknow.
 52. A.K. Ahuja aged about 54 years son of Late Sri T.C. Ahuja, resident of Flat No. 103, Sector-5, Vikash Nagar, Lucknow.
 53. S.S. Nair aged about 56 years son of Late Shri Raghuvan Nair, resident of 4A/242, Vishalkhand, Gomit Nagar, Lucknow.
 54. Sheela Gupta aged about 60 years wife of Late Shri N.R. Gupta, resident of 621 A, Bateshe Wali Gali, Aminabad, Lucknow.
- Applicant Nos. 41-54 are working as Assistant (G) Gr. I & Gr. II (ACP) in the Pay Band 9300-34800 with Grade Pay Rs. 4200/- in NBRI, Lucknow.
55. Gyasuddin aged about 52 years son of Shri Samiullah, resident of H.No. 164/40, Golaganj, Lucknow.
 56. K.C. Lohani aged about 55 years son of Shri N.B. Lohani, resident of B-62, Shivpuri, Kalyanpur, Lucknow.
 57. R.K. Sonkar aged about 38 years son of Shri Sukh Lal, resident of L-77, Sector-L, LDA Colony Lucknow.
 58. S.K. Singh aged about 32 years son of Shri R.B. Singh, resident of C-21, CSIR Colony, Niralanagar, Lucknow.
 59. C.S. Rawat aged about 60 years son of Late Shri P.S. Rawat, resident of Rajajipuram Colony, Lucknow.
- Applicant Nos. 55-59 are working as Assistant (F&A) Gr. I in the Pay Band 9300-34800 with Grade Pay Rs. 4200/- in NBRI, Lucknow.
60. Rooma Chauhan aged about 51 year wife of Shri P.S. Chauhan, resident of III, Lane 12, Sainik Nagar, Raubareli Road, Lucknow.
 61. Kulkiran Singh aged about 42 years son of Shri Yashwant Singh, resident of B-38, Shivpuri, Kalyanpur, Lucknow.
 62. S.B. Yadava aged about 50 years son of Shri D.R. Yadava, resident of 11 A Sheetla Vihar Colony, Faridi Nagar, Lucknow.
 63. Laxman Singh aged about 59 years son of Shri K.S. Khati, resident of H.No. 18, Bajrang Nagar, Kanchana Bihari Marg, Kalyanpur, Lucknow.
- Applicant Nos. 60-63 are working as Assistant (S & P) Gr. I & Gr. II (ACP) in the Pay Band 9300-34800 with Grade Pay Rs. 4200/- in NBRI, Lucknow.
64. Y.C. Tiwari aged about 46 years son of Late Shri B.D. Tiwari, resident of 8, Ram Bhawan, 27, Vidhan Sabha Marg, Lucknow

65. Ram Naresh son of Late Shri Prasadi, resident of TM-2, CSIR Colony, Tagore Marg, Lucknow.
Applicant Nos. 64-65 are working as Sr. Stenographer in the Pay Band 9300-34800 with Grade Pay Rs. 4200/- in NBRI, Lucknow.
66. Smt. Sufia Kirmani aged about 46 years w/o Shri Syed Asif Kirmani, resident of C-8, CIMAP Colony, Sugandh Vihar, Sector-7, Vikash Nagar, Lucknow.
67. Ashok Kumar Sharma aged about 54 years son of Late Shri Hari Ram Sharma, resident of D-8, CIPAM Staff Colony, Sugandh Vihar, Sector-7, Vikas Nagar, Lucknow.
68. Uma Shankar Mishra aged about 54 years son of Shri S.N. Mishra, resident of EIII/403, Sector-J, Aliganj, Lucknow.
69. Shiva Kant aged about 53 years son of Late Shri Sant Kumar, resident of ESI-B-952, Sector-A, Sitapur Road Scheme, Jankipuram, Lucknow.
70. Muneshwar Prasad aged about 46 years son of Shri Patan Deen, resident of 10/667, Indira Nagar, Lucknow.
Applicant Nos. 66-70 are working as Assistant (G) Gr. I in the Pay Band 9300-34800 with Grade Pay Rs. 4200/- in CIMAP, Lucknow.
71. C.S. Kandpal aged about 49 years son of Late Shri G.D. Kandpal, resident of D-1/145, Sector-F, Jankipuram, Lucknow.
72. O.P. Singh aged about 54 years son of Shri P.R. Singh, resident of C-2, CIPAM Colony, Sugandh Vihar, Sector-7, Vikas Nagar, Lucknow.
73. Harish Chandra aged about 44 years son of Shri Guru Charan, resident of House No. 18, Durgapuram Colony, Vikas Nagar, Sector-13, Lucknow.
74. Smt. Nisha Sharma aged about 52 years wife of Shri R.K. Sharma, resident of 25/52, Sector-25, Indira Nagar, Lucknow.
75. Suneel Kumar aged about 30 years son of Shri Bhaiya Lal, resident of E-4768, Sector-H, Rajajipuram, Lucknow.
Applicant Nos. 71-75 are working as Assistant (F&A) Gr. I in the Pay Band 9300-34800 with Grade Pay Rs. 4200/- in CIMAP, Lucknow.
76. Shami Ullah Khan aged about 46 years son of Late Shri Hatim Khan, resident of 1001, Shivani Vihar, Kalyanpur, Lucknow.
77. Pankaj Kumar aged about 31 years son of Shri Udit Narayan Singh, resident of B-8, CIMAP Colony, Sugandh Vihar, Sector-7, Vikas Nagar, Lucknow.
78. Santosh Kumar Srivastava aged about 56 years son of Late Shri G.P. Srivastava, resident of H.No. 329, Sector-11, Indira Nagar, Lucknow.

Applicant Nos. 76-78 are working as Assistant (S&P) Gr. I in the Pay Band 9300-34800 with Grade Pay Rs. 4200/- in CIMAP, Lucknow.

79. Gaitri Sharda aged about 46 years daughter of Shri R.S. Sharda, resident of 82 A, Santosh Niwas, Vijay Nagar (Near Kanpur Road), Lucknow.
80. Kanchan Lata Thomos aged about 39 years daughter of Shri Raja Ram, resident of B-41, Keshav Vihar, Kalyanpur, Vikas Nagar, Lucknow.
81. Srikar Ji Sinha aged about 36 years son of Late Shri Suraj Narian Sinha, resident of 496/8 Ga, Chhota Chandganj, Lucknow.

Applicant Nos. 79-81 are working as Sr. Stenographer in the Pay Band 9300-34800 with Grade Pay Rs. 4200/- in CIMAP, Lucknow.

82. Shalahuddin Khan aged about 53 years son of Shri Riyazuddin Khan, resident of C-80, Sarvodaya Nagar, Lucknow.
83. D.C. Saxena aged about 44 years son of Late Shri H.C. Saxena, resident of C-11, CSIR Colony, Nirala Nagar, Lucknow.
84. Samit Viz aged about 37 years son of Late Shri J.K. Viz, resident of T.M.-7, CSIR Colony, Tagore Marg, Lucknow.
85. S.S. Shukla aged about 45 years son of Shri B.K. Shukla, resident of 551 Kha/72, Kuryana, Alambagh, Lucknow.
86. Mrs. C.K. Takru aged about 56 years w/o Shri R.K. Takru, resident of 59, Amaniganj, Aminabad, Lucknow.
87. Ganga Prasad aged about 46 years son of Shri Umrao Lal, resident of Village Rajapur, Post Itauja, Lucknow.
88. Amit Kumar aged about 31 years son of Shri Avadh Narayan Verma, resident of C-11, CSIR Colony, Nirala Nagar, Lucknow.
89. Mrs. Leela S. Pillai aged about 53 years wife of Shri C.S. Pillai, resident of TM-13, CSIR Colony, Tagore Marg, Lucknow.

Applicant Nos. 82-89 are working as Assistant (G) Gr. I in the Pay Band 9300-34800 with Grade Pay Rs. 4200/- in IITR, Lucknow.

90. Lalit Kumar aged about 51 years son of Shri Tilak Dhari, resident of 54B, Ashutosh Nagar, Krishana Nagar, Lucknow.
91. Suresh Kumar aged about 52 years son of Late Shri A.U. Naryani, resident of 2/112, Jankipuram Vistar Yojna, Lucknow.
92. Kamta Prasad aged about 51 years son of late Shri Sant Ram, resident of Village-Bhainsa Mau, P.O./P.S. Bakshi Ka Talab, Distt. Lucknow.

Applicant Nos. 90-92 are working as Assistant (F&A) Gr. I in the Pay Band 9300-34800 with Grade Pay Rs. 4200/- in IITR, Lucknow.

93. Mrs. Sheela Kureel aged about 57 years wife of late Shri Ram Adhar Kureel, resident of 1570/1075, Alambagh, Gopalpuri, Lucknow.
94. Hardeep Singh aged about 53 years son of Late Shri Jaswant Singh, resident of MMD-1/253A, LDA Colony, Kanpur Road, Lucknow.
95. S.N.A. Zaidi aged about 56 years son of Late Shri Zakir Hussain Zaidi, resident of 395/28, Kashmiri Mohalla, Shargha Park, Lucknow.
96. Pushp Raj aged about 33 years son of Shri R.B. Singh resident of 1/167, Sector-C, Priyadarshini Colony, Lucknow.
97. Kushhar Prasad aged about 41 years son of Shri Tika Ram, resident of 8/637, Rajni Khand, LDA Colony, Lucknow.

Applicant Nos. 93-97 are working as Assistant (S&P) Gr. I in the Pay Band 9300-34800 with Grade Pay Rs. 4200/- in IITR, Lucknow.

98. Kallu Ram aged about 47 years son of Shri Puttu Lal, resident of Village veveti jaj, P.O. Nili Panah, Lucknow.
99. Mrs. Kusum Lata aged about 41 years wife of Indrajeet, resident of 249/7, Nala Begum Ganj, Yahiya Ganj, Lucknow.
100. Mrs. Vijya Suresh aged about 47 years wife of Shri Suresh, resident of 538 Ka/867, Triveni Nagar III, Sitapur Road, Lucknow.
101. Mrs Balbir Kaur aged about 45 years wife of Shri T.P. Singh, resident of 559 Ka / 89, Bahadur Khera, Singarpur, Lucknow.

Applicant Nos. 98-101 are working as Sr. Stenographer Gr. I in the Pay Band 9300-34800 with Grade Pay Rs. 4200/- in IITR, Lucknow.

....Applicants

By Advocate: Sri P.K. Srivastava

VS.

1. Union of India, through the Secretary, Ministry of Science & Technology, New Delhi.
2. Union of India, through the Secretary, Ministry of Finance (Department of Expenditure), New Delhi.
3. Council of Scientific and Industrial Research, Anusandhan Bhawan, 2, Rafi Marg, New Delhi through its Director General.
4. Central Drug Research Institute, Chhattar Manzil Palace, M.G. Marg, Lucknow, through its Director.
5. Indian Institute of Toxicology Research, M.G. Marg, Lucknow through its Director.

6. National Botanical Research Institute, Rana Pratap Marg, Lucknow, through its Director.
7. Central Institute of Medicinal And Aromatic Plants, Near Picnic Spot, Lucknow, through its Director.

....Respondents.

**By Advocate: Sri Rajendra Singh(Resp Nos. 1 & 2)
Sri A. K. Chaturvedi(Resp Nos. 3 to 7)**

ORDER

BY HON'BLE SRI NAVNEET KUMAR, MEMBER (J)

The present Original Application is preferred by the applicant u/s 19 of the AT Act, with the following reliefs:-

(a) Issuing/passing of an order or direction to the Respondents to extend the benefit of the Grade Pay of Rs. 46,00 in Pay Band-2 (scale Rs. 9,300-34,800) as has been granted to their counterparts in Central Secretariat Service and Central Secretariat Stenographers Service with effect from 1.1.2006 vide Government of India, Ministry of Personnel, Public Grievances and Pension (Department of Personnel & Training) Office Memorandums Dated 21.12.2009 and 23.12.2009 with the concurrence of Government of India, Ministry of Finance, Department of Expenditure (Implementation Cell) accorded vide Office Memorandum dated 16.11.2009 (as contained in Annexure Nos. A-1, A-2 and A-3, respectively, to this application) in place of the Grade Pay of Rs. 42,00 in Pay the arrears thereof within a stipulated period of two months along with interest at the current market rate.

“(a.i) issuing/passing of an order or direction to the respondents setting aside the impugned decision communicated vide letter dated 13.4.2014, rejecting the representations of the applicants (as contained in Annexure

No. A-16 to the original application), after summoning the original records.

(b) issuing/passing of an order or direction to the Respondent Nos. 3 to 7 to ensure parity in the pay and allowances to the applicants at par with their counterparts in the Central Secretariat Service and Central Secretariat Service and Central Secretariat Stenographer Service in future.

(c) issuing/passing of any other order or direction as this Hon'ble Tribunal may deem fit in the circumstances of the case.

(d) allowing this Original Application with cost.

2. The applicants are aggrieved by the illegal, arbitrary and discriminatory action of the Respondents denied the benefit of Grade Pay of Rs. 4,600/- in Pay Band-2 scale of Rs. 9,300-34,800 as has been granted to their counter parts of Central Secretariat Service and Central Secretariat Stenographers Service (here in after referred to CSS and CSSS) w.e.f. 01.01.2006 vide Government of India, Ministry of Personnel, Public Grievances and Pension (Department of Personnel & Training) Office Memorandum dated 21.12.2009 and 23.12.2009 and the same has been granted with the concurrence of Government of India, Ministry of Finance, Department of Expenditure. It is to be indicated that the CSIR being the Apex Body of the Society has established about 38 National Labs/Institutes and Research Centers all over the country. Out of which four Labs/Institutes namely Central Drug Research Institute,

National Botanical Research Institute, Indian Toxicology Research, Central Institute of Aromatic Plants are set up at Lucknow. All these four labs /Institutes are conducting their research work in their specialization of scientific area under the authority of CSIR, New Delhi.

3. The learned counsel for the applicant has also indicated that the administrative cadre structure of the CSIR and its Labs/Institutions, are similar and akin to that of CSS/ CSSS/Central Secretariat Clerical Services (herein after referred to CSCS). It is also indicated by the learned counsel for the applicant that the administrative staff of the CSIR are enjoying parity in the pay scales with their counter parts of Central Secretariat Clerical Service since their inception keeping in view the decision akin the Governing Body of the CSIR in its 30th meeting held on 30.9.1955. Not only this it is also argued on behalf of applicants that recommendations of all Pay Commission's were implemented by Central Governments for its employees and the same were adopted by the CSIR in toto in respect of Assistants and Senior Stenographers so much so that even the advertisements issued for recruitment to various posts of Section Officers and Assistants categorically states that the pay scales and allowances as applicable to the CSS staff are also applicable for the CSIR Administrative Staff.

4. The learned counsel for the applicant has also indicated that the respondents have taken a decision on the representation of the applicant dated 13th April, 2012

through which it is indicated that the repeated efforts were made by the CSIR, but the Ministry of Finance has not given concurrence regarding Grade Pay of Rs. 4600/- to the Assistants/Senior Stenographers as such, the request of the applicant cannot be acceded too.

5. It is also to be indicated that all the applicants were appointed on various dates and presently they are working in the Grade Pay of Rs. 4200/- in Pay Band 2 in the scale of Rs. 9300-34800 under the respondent Nos. 3 to 6 but are governed by the Rules and Regulation as framed and issued by the Respondent No. 3 and after the implementation of the recommendations of the 5th Central Pay Commission, the applicants are placed in the pay scale of Rs. 5500- 9000 w.e.f. 1.1.1996 at par with their counter parts in CSS.

6. The learned counsel for the applicant has also indicate that the grade pay of Rs. 4600 in PB -2 has been granted to the counter parts of the applicants and the Assistants and Stenographers working under the CSIR have been treated and given pay parity with their counter parts in the CSS and CSSS. Not only this, it is also argued by the learned counsel for the applicant that the Assistants and Personal Assistants of Indian Council of Agricultural Research Headquarters have been granted the benefits of the 6th CPC. Not only this, the respondents have upgraded the pay scale and granted the Non Functional Selection Grade to the officers under the CSIR to bring them at par with their counter parts in the Central Secretariat but for the

reasons best known to the respondent No. 3 the similar treatment is being denied to the applicant in the matter of grant of grade pay.

7. The learned counsel for the applicant vehemently argued and submitted that the denial of the said benefit is a colorable exercise of power and is wholly illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India as such, the present O.A. is filed by the applicants and the same is liable to be allowed.

8. On behalf of the respondents, the reply as well as the supplementary counter reply is filed through which it is indicated that the Non Functional Scale of Rs. 8000-13500 was granted to the Section Officers of CSS w.e.f. 3.10.2003. Subsequently, the Governing Body of the CSIR held its meeting and the Non Functional Grade scale of Rs. 8000- 13500 was withdrawn through order dated 17.8.2006 and the matter was again taken up by the CSIR, New Delhi with the Department of Expenditure, Ministry of Finance to reconsider his advice and after the receipt of the representation of the Assistants/Stenographers for implementation of the pay scale of Rs. 6500-10500, the matter was again examined and a note was put up. It is also indicated by the respondents counsel that the matter was deeply consulted with the Department of Expenditure, Ministry of Finance and vide office memorandum dated 22.5.2008, the competent authority, CSIR constituted a committee to look into the recommendation of the 6th

Central Pay Commission and gave its suggestion for

implementation in CSIR. Therefore, the aforesaid recommendation of the Committee were sent to the Financial Advisor, CSIR for concurrence and the Financial Advisor, CSIR has issued no objection to the recommendation No. 27 and after due deliberations, the Non-Functional Scale to the Section Officers and Private Secretaries has been extended on the basis of discussion by the Financial Advisor, CSIR subject to the condition that no extra budgetary burden would be on the Government of India and the expenditure will be met from Laboratory Reserve Fund of respective labs.

9. As per the implementation of the revised grade pay of Rs. 4600/- to the Assistants and Senior Stenographers of CSIR w.e.f. 1.1.2006, the matter was sent to the Department of Expenditure, Ministry of Finance, for their prior concurrence to avoid any conflict and the decision on the same could be taken by the CSIR Headquarters office on account of reply given by the Department of Expenditure, Ministry of Finance dated 13.11.2009 as well as 16.11.2009.

10. On behalf of the applicant, supplementary rejoinder is filed and through supplementary rejoinder, mostly the averments made in the O.A. are reiterated and the contents of supplementary counter reply are denied. It is also indicted by the learned counsel for the applicant that it was consistent policy of the CSIR to provide parity in the pay scales and allowances to its Secretariat staff of CSS/CSSS. As such, the Secretariat Staff of Central

Secretariat of the CSIR in the national laboratories/institutes have been enjoying parity in the pay scale with their counter parts of Central Secretariat.

11. The Central Pay Commission has successively recommended the said parity which has been implemented by the Government in toto. The learned counsel for the applicant has also indicated that the representations of the applicant was rejected only on the ground that the Ministry of Finance has not given its concurrence to the proposal regarding grant of Grade pay of Rs. 4600/- to the Assistants and Senior Stenographers in the CSIR and the impugned decision is wholly illegal arbitrary, discriminator and violative of Articles 14 and 16 of the constitution of India. The learned counsel for the applicant has also relied upon number of decisions as indicated in the supplementary rejoinder affidavit and has indicated that the issue of parity in status and pay of the Government employees is well settled and there must be reasonable differentiations while equal treatment to the aggrieved persons. As such, the present O.A. is liable to be allowed and respondents be directed to grant the grade pay of Rs. 4600/- to the applicants.

12. Heard the learned counsel for the parties and perused the record.

13. The applicants were appointed on various dates right from 1992 to 2006 and they are presently working in the Grade pay of Rs. 4200/- in Pay Band -2
Scale Rs. 9300-34,800/- under the respondent No. 4 to 7.

The applicants are governed by the Rules and Regulation as framed and issued by the Respondent No. 3. The learned counsel for the applicant has vehemently argued and submitted that the pay scales of the Assistants and Stenographers of the CSS and CSSS are revised and upgraded from Rs. 5500-9000/- to Rs. 6500-10500/- w.e.f. 15.09.2006. As such the applicants are also entitled to the up-gradation of their scales from Rs. 5500-9000/- to Rs. 6500-10500/- w.e.f. 15.9.2006.

14. It is also indicated that earlier the applicants filed an O.A. No. 304/2008 in which the counter reply was filed and stated that Assistant and Senior Stenographer of CSIR have also been placed in the pre-revised scale of Rs. 6500-10500/- w.e.f. 4.10. 2008. Some of the applicants submitted the representations through proper channel and requested for grant of grade pay of Rs. 4600/- but the said grade pay have been granted to the counterparts of the applicants in the CSS/CSSS w.e.f. 1.1.2006 vide Government of India, Ministry of Personnel, Public Grievances and Pension Department of Personnel & Training office Memorandum dated 21.12.2009 and 5.16.2009 with the concurrence of Government of India, Ministry of Finance, Department of Expenditure vide office memorandum dated 16.11.2009, but the said benefit was not granted to the applicants and their pay has not been revised. Learned counsel for the applicant also contended that once the recommendation of the Central Commission is issued and the respondents are required to maintain

parity between applicants and their counterparts and denying such parity is an invidious discrimination and violative of Article 14 and 16 of the Constitution of India.

15. The learned counsel for the applicant has also relied upon a decision of the coordinate bench of the Tribunal in S.R. Dheer and Ors. Vs. Union of India & Others, O.A. No. 164 of 2009, decided on 19.2.2009, where in the same issue of parity has been upheld and on grant of benefits in the pay bands as per 6th CPC recommendations as also NFSG and the same has attained finality. After careful consideration of the rival contentions in so far as parity is concerned, in S.R. Dheer, the following observations have been made by the Tribunal:-

“A discriminatory and contradictory stand is antithesis to the fairness in law. As the issue of NFSG of Rs. 8000-13500 to the O.S. in case of CBI, a non-secretariat office at par with CSS/CSSS, decision in S.C. Karmakar (Supra) was affirmed by the High Court of Delhi. Even the decision of the Tribunal in the case of R&AW Department has been implemented by the Government by grant of pay scale/NFSG to the concerned SOs, by order dated 19.1.2009 and also the SOs/PSs in AFHQ were allowed the pay scale on 25.9.2008. This clearly shows that the 6th CPC recommendations in para 3.1.9 have been adhered to not only the case of SOs/PSs of the CSS/CSSS but also in the case of SO/PSs in other Organizations, who have had historical parity. As such, exclusion of the CAT employees and not meeting out the same treatment in respect of Grade Pay without any intelligible differential having reasonable nexus with the object sought to be achieved, is an unreasonable classification and an invidious discrimination, which cannot be countenanced in the wake of Article 14 of the Constitution of India.

In the light of the discussions made above, issue no (i) framed by us is answered to the extent that as in the matter of grant of pay scale there has been an unreasonableness and accepted recommendations having not been followed and applied to the applicants at par with their counterparts in CSS/CSSS, an exception has been carved out as per the trite law to interfere with the decision of the Government in judicial review by us.”

16. India is a socialist republic. It implies the existence of certain important obligations which the State has to discharge. The right to work, the right to free choice of employment, the right to just and favourable conditions of work, the right to protection against unemployment, the right of everyone who works to just and favourable conditions of work, the right to protection against unemployment, the right of everyone who works to just and favourable remuneration ensuring a decent living for himself and his family, the right of everyone without discrimination of any kind to equal pay for equal work, the right to rest, leisure, reasonable limitation on working hours and periodic holidays with pay. It is true that all these rights cannot be extended simultaneously. But they do indicate the socialist goal. The degree of achievement in this direction depends upon the economic resources, willingness of the people to produce and more than all the existence of industrial peace throughout the country. Of those rights the question of security of work is of utmost importance. It is for this reason it is being repeatedly observed by those who are in charge of economic affairs of the countries in different parts of the world that as far as possible security of work should be assured to the employees so that they may contribute to the maximization of production.

17. 5th Pay Commission- after the report of 5th Pay Commission the first time the aforesaid Historical parity was disturbed. First the pay Scale of 5500-9000 was granted to the applicants at par their counter parts in CSS/CSSS w.e.f.

01.01.1996. But subsequently the Revised and Upgraded Pre-revised Pay Scale of 6500-1-500 granted to Asst. & Stenographers of CSS/CSSS vide Memo. Dated 25.9.2006. But was not granted to the applicants. Therefore, the applicants has decided to filed an OA before this Hon'ble Tribunal having No. 304/2008.

18. That after the filing of the aforesaid OA the respondents have realized their fault and constituted the Vikaram Committee who has submitted its report and recommended the same benefits to the Asst. (G/F & A/S&P) and stenographers of CSIR w.e.f. 15.9.2006 in light of the decisions taken in 30th meeting of GB of CSIR held on 30.9.1955 regarding to the maintaining to the parity with CSS/CSSS.

19. That CSS/CSSS were placed in Pay band 2 and Grade pay of Rs. 4600 was granted to them w.e.f. 1.1.2006 vide the Memo dated 16.11.2009 to the Asst. & Stenographers in CSS/CSSS. But the same benefit was denied to the applicant which is against the 30th meeting of GB of CSIR held on 30.9.1955 regarding to the maintaining to the parity with CSS/CSSS in a very illegal and wrongful manner.

20. That the CSIR has also upgraded the Pay Scale, Grade pay and Non-functional Selection Grade to Officers to bring them at par with their counterparts in Central Secretariat. But denied the same benefit to applicants.

21. That three Pay Scale of 5000-8000, 5500-9000 & 6500-10500 were merged in Pre-revised Pay Scale of

6500-10500 w.e.f. 1.1.2006 with Grade Pay of 4200 in PB-2 in Pay Scale 9300-34800. The employees who were in Pay Scale of 6500-1-500 in 5th Pay Commission were granted the Grade Pay of 4600 and due to reason of maintaining the parity the same was granted to the CSS/CSSS vide OM dated 16.11.2009.

22. The similar issue has taken up before the Hon'ble Delhi High Court in the case of D.G.O.F. Employees Association and another Vs. Union of India and Ors. and the Hon'ble High Court has been pleased to observe as Under:-

"It is submitted that in this background, when the Sixth Central Pay Commission recommendations (hereafter referred to as the "Sixth CPC") were pending consideration of the Central Government, an upgradation of the existing pay scale from RS. 5500-9000/- to RS. 6500-10500/-, for the Assistants/PAs was sought to be given to employees of the CSS/CSSS, by an order of 15.9.2006. This upgradation benefit was given by individual orders separately issued by various other non-participating Ministries and Departments, W.P.(C) 4606/2013 Page 4 such as the orders of the Ministry of Railways dated 19.10.2006; the Ministry of Parliamentary Affairs dated 12.02.2007; the Central Vigilance Commission dated 13.07.2007 etc.

9. Learned senior counsel argued that while the executive primacy in policy formulation is well recognized and cannot be undermined, yet that imperative has to yield to the dictates of the right to equality. In the present case, not only was the parity between employees of various organizations maintained and established; it was even conceded up to 25.09.2006. The denial of this parity to only members of OFB was inexplicable given that the CSS pattern upgrading the existing pay scale of Rs 5500-9000/- to Rs 6500-10500/- was extended to other non-participating organizations and departments such as employees of Railway Board, CVC, Ministry of Parliamentary Affairs, the employees of CAT etc. The Finance Ministry nowhere objected to the extension of this upgradation and the consequent placement in an even higher scale after the recommendations of the Sixth CPC even though the structure of these organizations differed W.P.(C) 4606/2013 Page 9 from that of CSS/CSSS. That parity was denied to members of AFHQs who, however successfully challenged the denial before the CAT. Besides citing executive

primacy, no rationale had been given by the respondents to justify resultant discrimination.

16. In this background, it would be necessary to extract the relevant recommendations of the Sixth CPC, i.e. paras 3.1.9 and 3.1.14 which reads as follows:

"3.1.9 Accordingly, the Commission recommends upgradation of the entry scale of Section Officers in all Secretariat Services (including CSS as well as non participating ministries/departments/organizations) to Rs.7500-12000 corresponding to the revised pay band PB 2 of Rs.8700-34800 along with grade pay of Rs.4800. Further, on par with the dispensation already available in CSS, the Section Officers in other Secretariat Offices, which have always had an established parity with CSS/CSSS, shall be extended the scale of Rs.8000-13500 in Group B corresponding to the revised pay band PB 2 of Rs.8700-34800 along with grade pay of Rs.4800 on completion of four years service in the lower grade. This will ensure full parity between all Secretariat Offices. It is clarified that the pay band PB 2 of Rs.8700-34800 along with grade pay of Rs.4800 is being recommended for the post of Section Officer in these services solely to maintain the existing relativities which were disturbed when the scale was extended only to the Section Officers in CSS. The grade carrying grade pay of Rs.4800 in pay band PB-2 is, otherwise, not to be treated as a regular grade and should not be extended to any other category of employees. These recommendations shall apply mutatis mutandis to post of Private Secretary/equivalent in these services as well. The structure of posts in Secretariat Offices would now be as under:-

Post	Pre revised	Corresponding revised pay band and grade pay
LDC	Rs. 3050-4590	PB-1 of Rs. 4860-20200 along with grade pay of Rs. 1900
UDC	Rs. 4000-6000	PB-1 of Rs.4860-20200 along with grade pay of Rs. 2400
Assistant	Rs. 6500-10500	PB-2 of Rs. 8700-34800 along with grade pay of Rs. 4200
Section Officer	Rs. 7500-12000 Rs.8000-13500(on completion of four years)	PB-2 of Rs. 8700-34800 along with grade pay of Rs. 4800. PB-2 of Rs. 8700-43800 along with grade pay of Rs. 5400 (on completion of four years)
Under Secretary	Rs. 10000-15200	PB-3 of Rs. 15600-39100 along with grade pay of Rs. 6600
Deputy Secretary	Rs. 12000-16500	PB-3 of Rs. 15600-39100 along with grade pay of Rs. 6600
Director	Rs. 14300-18300	PB-3 of Rs. 15600-39100 along with grade pay of Rs. 7600

This scale shall be available only in such of those organizations/services which have had a historical parity with CSS/CSSS. Services like AFHQSS/AFHQSSS/RBSS and Ministerial/Secretarial posts in Ministries/Departments organizations, like MEA, Ministry of Parliamentary Affairs, CVC, UPSC, etc. would therefore be covered.

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Recommendations for non-Secretariat Organizations 3.1.14 In accordance with the principle established in the earlier paragraphs, parity between Field and Secretariat Offices is recommended. This will involve merger of few grades. In the Stenographers cadre, the posts of Stenographers Grade II and Grade I in the existing scales of Rs.4500-7000/Rs, 5000-8000 and Rs.5500-9000 will, therefore, stand merged and be placed in the higher pay scale of Rs.6500-10500. In the case of ministerial post in non-Secretariat Offices, the posts of Head Clerks, Assistants, Office Superintendent and Administrative Officers Grade III in the respective pay scales of Rs.5000-8000, Rs.5500-9000 and Rs.6500- 10500 will stand merged. The existing and revised structure in Field Organization will, therefore, be as follows:-

Designation	Present pay scale	Recommended Pay scale	Corresponding Pay Band & Grade Pay	
			Pay Band	Grade Pay
LDC	3050-4590	3050-4590	PB-1	1900
UDC	4000-6000	4000-6000	PB-1	2400
Head Clerk/Assistants/Steno Grade II/Equivalent	4500-7000/- 5000-8000	6500-10500	PB-2	4200
Office Superintendent/Steno Grade/Equivalent	5500-9000			
Superintendent/Asst. Amn. Officer/Private Secretary/equivalent	6500-10500	6500-1-500	PB-2	4200
Administrative Officer Grade II/Sr. Private Secretary/equ.	7500-12000	7500-12000 Entry grade for fresh recruits) 8000-13500(On completion of four years)	PB-2	4800 5400(after 4 years)
Administrative Officer Grade	10000-15200	10000-15200 PB-2	PB-2	6100

Note 1 The posts in the intermediate scale of Rs.7450- 11500, wherever existing, will be extended the corresponding replacement pay band and grade pay."

Note 2 The existing Administrative Officer Grade II /Sr. Private Secretary/equivalent in the scale of Rs.7500- 12000 will, however, be placed in the corresponding replacement pay band and grade pay till the time they become eligible to be placed in the scale of Rs.8000-13500 corresponding to the revised pay band PB 2 of Rs.8700-34800 along with grade pay of Rs.5400."

19. The Central Government's first explanation for denial is that this is in terms authorized by Para 3.1.14 of the Sixth CPC recommendations. That is plainly incorrect, because that portion of the Sixth CPC merely indicated the replacement scales from the existing Rs. 5000-8000/- to be Rs. 6500-10,500/-. By the time this recommendation was accepted, Assistants in the CSS/CSSS were already enjoying the higher scale of Rs. 6500-10,500/-. Even the CCS (Revised Pay) Rules, 2008 support this inference. Under Rule 3(1) of the said Rules, "existing basic pay" means "pay drawn in the prescribed existing scale of pay, including stagnation increment(s), but does not include any other type of pay like 'special pay', etc. Rule 3 (2) on the other hand, prescribed "existing scale" in relation to a Government servant as "the present scale applicable to the post held by the Government servant...as on the 1st day of January..2006". Rule 3 (7) defined "revised pay structure" as one in relation to any post specified in column 2 of the First Schedule and meaning "the pay band and grade pay specified against that post or the pay scale specified in column 5 & 6 thereof, unless a different revised pay band and grade pay or pay scale is notified separately for that post." Rule 11 prescribed the mode W.P.(C) 4606/2013 Page 19 of fixation in pay after 01.01.2006. Part B of Section II of the First Schedule to the Rules specifically stated as follows: "XXXXXXXXXXXXXXXXXXXXX

S. No.	Post	Present scale	Revised scale(4)	Corresponding pay & Band		Para No of the Report (7)
				Pay Band(5)	Grade Pay(6)	
OFFICE STAFF IN THE SECRETARIAT						
1.	Section Officer/PS/e quivalent	6500-10500 /	7500-12000 8000 13500 (on Completion of 4 years)	PB-2 PB-3	4800/- 5400/- (On completion of 4 years)	3.1.9

This scale shall be available only in such of those organizations/ services which have had a historical parity with CSS/CSSS. Services like AFHQSS/AFHQSSS/RBSS and Ministerial/Secretarial posts in Ministries/ Departments

organizations like MEA, Ministry of Parliamentary Affairs, CVC, UPSC, etc. would therefore be covered.

OFFICE STAFF WORKING IN ORGANIZATIONS OUTSIDE THE SECSRETARIAT						
1	Head Clerk/Assistants/Steno Grade II/equivalent	4500-7000/-	6500-10500	PB-2	4200/- 5400 (on completion of 4 years)	3.1.14
2.	Administrative Officer Grade II/Senior Private Secretary/Equivalent	7500-12000	7500-12000 (entry grade for fresh recruits) 8000-13000/- (on completion of 4 years)	PB-2	4800/- 5400/- (on completion of 4 years)	3.1.14

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The interesting part of the above table is that but for the explanation it affords, the substantive part of the Rules are based on the replacement scales being in accordance with the ones indicated in Part A of the W.P.(C) 4606/2013 Page 21 First Schedule – read with definition of “revised pay”. The scales indicated, under the First schedule are in the form of merger of four pay scales- □ 4500-7000/-;Rs. 5000-8000/-;Rs. 5500-9000/- and Rs. 6500- 10,500/-. All are merged into one pay scale, i.e., Rs. 9300-34800/-. The Rules, as well as the Sixth CPC recommendations specifically talk of continuation of pay benefits on the basis of “historical parity”. As observed earlier, this historical parity is not denied; however, the explanation for denial of the benefit of up gradation and the consequent placement in higher pay scales, to employees in Ordnance Factories is that OFB employees are not specifically mentioned, as opposed to mention of other non-secretariat employees: “like AFHQSS/AFHQSSS/RBSS and Ministerial/Secretarial posts in Ministries/ Departments organizations like MEA, Ministry of Parliamentary Affairs, CVC, UPSC, etc.” This argument is both unpersuasive and specious, because mention of specific department was meant only by way of illustration; else a contrary intention would have been clearer. That the mention of some, not all non-secretariat employees is illustrative and not exhaustive is clear from the qualifying terms – “like” and “etc.” The allusion to historical parity with reference to only a few illustrations was to encompass all those organizations where employees had identical pay scales and not merely those in enumerated departments or organizations. Any other interpretation would negate the whole intention of maintaining historical parity altogether.

23. The executive “free play in the joints” in devising pay revisions was explained by the Supreme Court in the following passage in W.P.(C) 4606/2013 Page 24 Secretary, Finance Department & Ors. v. West Bengal Registration Service Association & Ors. 1993 Supp. (1) SCC 153 where also the scope of judicial review in such decisions was spelt out:

“We do not consider it necessary to traverse the case law on which reliance has been placed by counsel for the

appellants as it is well settled 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. But that is not to say that the court has no jurisdiction and the aggrieved employees have no remedy if they are unjustly treated by arbitrary state action or inaction. Courts must, however, realize that job evaluation is both a difficult and time consuming task which even expert bodies having the assistance of staff with requisite expertise have found difficult to undertake sometimes on account of want of relevant data and scales for evaluating performances of different groups of employees. This would call for a constant study of the external comparisons and internal relativities on account of the changing nature of job requirements. The factors which may have to be kept in view for job evaluation may include (i) the work programme of his department (ii) the nature of contribution expected of him (iii) the extent of his responsibility and accountability of the discharge of his diverse duties and functions (iv) the extent and nature of freedoms/limitations available or imposed on him in the discharge of his duties (v) the extent of powers vested in him (vi) the extent of his dependence on superiors for the exercise of his powers (vii) the need to co-ordinate with other departments, etc. We have also referred to the history of service and the effort of various bodies to reduce the total number of pay scales to a reasonable number. Such reduction in the number of pay scales has to be achieved by resorting to broadbanding of posts by placing different posts having comparable job charts in a common scale. Substantial reduction in the number of pay scales must inevitably lead to clubbing of posts and grades which W.P.(C) 4606/2013 Page 25 were earlier different and unequal. While doing so care must be taken to ensure that such rationalization of the pay structure does not throw up anomalies. Ordinarily a pay structure is evolved keeping in mind several factors, e.g. (i) method of recruitment, (ii) level at which recruitment is made, (iii) the hierarchy of service in a given cadre, (iv) minimum educational/technical qualifications required, (v) avenues of promotion, (vi) the nature of duties and responsibilities, (vii) the horizontal and vertical relativities with similar jobs, (viii) public dealings, (ix) satisfaction level, (x) employer's

capacity to pay, etc. We have referred to these matters in some detail only to emphasize that several factors have to be kept in view while evolving a pay structure and the horizontal and vertical relativities have to be carefully balanced keeping in mind the hierarchical arrangements, avenues for promotion, etc. Such a carefully evolved pay structure ought not to be ordinarily disturbed as it may upset the balance and cause avoidable ripples in other cadres as well. It is presumably for this reason that the Judicial secretary who had strongly recommended a substantial hike in the salary of the sub registrars to the second (state) pay commission found it difficult to concede the demand made by the registration service before him in his capacity as the chairman of the third (state) pay commission. There can, therefore, be no doubt that equation of posts and equation of salaries is a complex matter which is best left to an expert body unless there is cogent material on record to come to a firm conclusion that a grave error had crept in while fixing the pay scale for a given post and court's interference is absolutely necessary to undo the injustice."

25. In another decision, i.e. *T. Sham Bhat v Union of India* 1994 Supp (3) SCC 340, the vires of Regulation 2 of the Indian Administrative Service (Appointment by Selection) Second Amendment Regulations, 1989 - the IAS Second Amendment Regulations was challenged before the Supreme Court. Holding the increase in number of years of continuous service of non-State Civil Service Class-I officers, required in the eligibility condition for selection to the Indian Administrative service, which deprived non State Civil Service Class-I officers of the right to be considered for selection under the IAS Selection Regulations (which held the field for over 33 years), as unjust, arbitrary, unreasonable and contrary to legitimate expectations and Article 14 of the Constitution, the regulation was struck down as unconstitutional:


"Further, we are unable to see, any reason as to why the period of 8 years continuous service of non-State Civil Service Class-I officers which made them eligible for selection to the Indian Administrative Service under the IAS Selection Regulations should have been increased to 12 years of their continuous service by Regulation 2 of the IAS Second Amendment Regulations. In fact, no plausible reason has been put forth as to why such increase was made. Since such increase in number of years of continuous service of non-State Civil Service Class-I W.P.(C) 4606/2013 Page 28 officers to make them eligible for selection to the Indian Administrative service deprived them of the right to be considered for selection under the IAS Selection Regulations which held the field for over 33 years, with no palpable reason,

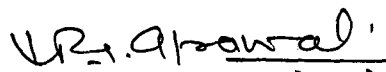
Regulation 2 of the IAS Second Amendment Regulations which brought about such deprivation has to be regarded as unjust, arbitrary, unreasonable and that which arbitrarily affected the legitimate and normal expectations of non-State Civil Service Class-I officers and was that inhibited by Article 14 of the Constitution..."

26. The petitioners were treated historically as equals to CSS/CSSS employees and enjoyed equal pay and all benefits flowing from equal pay. This was based on the previous four instances of determinations by successive Pay Commissions that they performed equal work. No other evidence of "complete identity" of work was necessary in the circumstances of the case. The materials on the record do show that the Sixth CPC stated in more than one place specifically that historical parity in pay scales ought not to be disturbed.

23. Considering the submissions made by the learned counsel for the parties as well as the coordinate Bench of the Tribunal, the O.A. deserves to be allowed. The impugned order dated 13.4.2012 rejecting the representation of the applicant is quashed. The respondents are directed to extend the benefit of Grade Pay of Rs. 4600 in Pay Band -2 Scale Rs. 9300-34,800/- has been granted to their counter parts in CSS/CSSS w.e.f. 1.1.2006. It is made clear that the applicant will not be entitled for any interest on the same.

24. Accordingly, the O.A. is allowed. No order as to costs.


(Ms. Jayati Chandra)
Member (A)


(Navneet Kumar)
Member (J)