

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH, JAIPUR.

Jaipur, the 26<sup>th</sup> day of August, 2008

ORIGINAL APPLICATION NO.559/2005

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER  
HON'BLE MR.B.L.KHATRI, ADMINISITRATIVE MEMBER

V.Betty Jose,  
Pharmacist,  
O/o G.C.-2, CRPF Hospital,  
Foy Sagar Road,  
Ajmer.

... Applicant

(By Advocate : Shri P.V.Calla)

Versus

1. Union of India through  
Secretary to Home Affairs,  
New Delhi.
2. Inspector General of CRPF,  
Northern Sector,  
R.K.Puram,  
New Delhi.
3. Addl.Dy.Inspector General of CRPF,  
Group Centre-II,  
Foy Sagar Road,  
Ajmer.

... Respondents

(By Advocate : Shri Kunal Rawat)

ORDER (ORAL)

PER HON'BLE MR.B.L.KHATRI

The applicant, who has been working as Pharmacist in the Central Reserved Police Force (CRPF), has filed this OA under Section-19 of the Administrative Tribunals Act, 1985, against the impugned orders dated 13.9.2005 & 12.7.2005 (Ann.A/1

& A/2) whereby she has been denied pay parity with the other combatised employees. By filing this OA, she has prayed for the following relief :

"by an appropriate writ, order or direction the impugned letters Annexure A/1 and A/2 may kindly be quashed and set aside and the respondents may be directed to revise the pay of the applicant from Rs.4500-7000 to Rs.5500-9000 w.e.f. 10.10.97 and further directed them to pay the arrears of the pay consequent thereupon. The respondents may further be directed to grant all benefits which are attached with this facility and provided to other staff of the Central Police Organisation."

2. Brief facts of the case are that revision of pay pursuant to 5<sup>th</sup> Pay Commission was made w.e.f. 1.1.96. However, the Government of India made the same applicable for their employees vide order dated 10.10.97. In the process of revision of pay vide order dated 10.10.97 a discriminatory treatment has been given inasmuch as large number of employees were benefited whereas some of the employees like applicant has been deprived, therefore, the representations were submitted. The applicant after making representation and reminder initially preferred an OA before CAT, Bombay Bench, which was registered as OA 605/2004. The said OA was decided by the Bombay Bench on 12.8.2004 (Ann.A/3) directing the respondents to decide the representation filed by the applicant with a further liberty to the applicant to file a detailed application in case grievance is left after such decision. The applicant thereafter filed a detailed representation to the competent authority on 21.9.2004 (Ann.A/4). Thereafter, the applicant received the impugned letter dated 12.7.2005 (Ann.A/2) through covering letter dated 13.9.2005 (Ann.A/1), whereby it has been conveyed that the applicant being a non-combatised personnel is not entitled for revision of pay and other benefit for which she has prayed in the representation. Grievance of the applicant is that while existing pay was revised w.e.f. 1.1.96 she was not aggrieved, however, when the revision of pay was further ordered

in respect of certain posts of Central Police Organisation, her candidature was not considered resultant her pay, which she was getting prior to 1.1.96, was revised to Rs.4500-7000 but in view of Govt. of India's letter dated 10.10.97 when the pay was further revised to Rs.5500-9000 she was deprived. When she represented, the matter was referred to the higher authorities for consideration and reply was given that till a final decision is taken she will continue in the pay scale of Rs.4500-7000. The applicant has placed on record copies of the order dated 10.10.1997, issued by the Govt. of India, and letter dated 10.10.97, issued by the Director General of CRPF, alongwith copy of the letter dated 9.3.1998 as Ann.A/5, A/6 & A/7 respectively. From perusal of these documents, it is clear that the applicant and other staff, who were non-gazetted staff, were entitled for further revision of pay at par with other staff whose pay has been fixed in the pay scale of Rs.5500-9000. Pursuant to the order/direction of CAT, Bombay Bench, while deciding representation the respondents have straightway denied the benefit of revision of pay, which shows that the impugned reply has been given without application of mind. Therefore, being aggrieved by denying the benefit of revision of pay in view of Govt. of India's order dated 10.10.97, the applicant has filed this OA thereby praying for the aforesaid relief.

3. The respondents have contested this OA and filed their reply. In the reply, the respondents have stated that the applicant was appointed on 23.12.86 as temporary Pharmacist in the pay scale of Rs.1350-2200 against the existing vacancy of 88 Bn., CRPF, New Delhi, and thereafter posted in various units. The applicant reported on transfer from Centre Training College-III, CRPF, Nanded, to the Group Centre-II, Ajmer. During the posting period, at Nanded, the applicant filed an OA [No.605/2004] before CAT, Bombay Bench, regarding non-implementation of 5<sup>th</sup> Pay Commission revised pay scale to her. The said OA was disposed of on 3.9.2004 with

the direction to the respondents to take decision on the issue mentioned by the applicant and even after such decision if the applicant is aggrieved, she can approach the Tribunal for redressal of the same. The applicant submitted her detailed representation on 20.9.2004, which was decided by the Directorate General, CRPF, vide order dated 19.7.2005. Aggrieved with this decision, she again filed the present OA for her pay revision in the pay scale of Rs.5500-9000 in accordance with Govt. of India's order dated 10.10.1997. Being a non-combatised staff, she is not entitled for pay scale as per Rule Pharmacist (Non-Combatised) designated as Pharmacist & equivalent to Assistant Sub Inspector (Pharmacist) and not Sub Inspector (Pharmacist) having pay scale of Rs.5500-9000. Therefore, her pay scale was rightly revised in the scale of Rs.4500-7000 in accordance with Govt. of India's order dated 10.10.97. The Govt. of India has now framed GSR-392, to amend the CRPF (Combatised Para-Medical Posts) Recruitment Rules, 1955, vide Govt. of India's notification dated 22.11.99. The applicant being non-combatised personnel is not entitled for revision of pay and other benefits. The respondents have placed copy of GSR-392 and notification dated 22.11.99 at Ann.R/1 & R/2 respectively.

4. We have heard the submissions of both the parties. The brief facts of the case are that the applicant is working as Pharmacist (Non-Combatised) and claiming pay parity with the post of Assistant Sub Inspector (Combatised). The respondents have stated that Para-Military staff (Non-Combatised) are not entitled for further revision of pay at par with other staff having the Combatised posts. Thus, it was rightly held by the respondents that the applicant is not entitled to get the pay and allowances of the combatised post. The duties of civilian posts attached with the CRPF are different and distinct. Therefore, we are of the opinion that it is not a case of discrimination between two similarly situated posts or employees. This issue is

also fully covered with the order passed by this Tribunal in OA 560/2005 [Jose Thomas v. Union of India & Ors.], decided on 12.8.2008.

5. Accordingly, the OA is bereft of merit and the same is dismissed with no order as to costs.

  
(B.L. KHATRI)  
MEMBER (A)

  
(M.L. CHAUHAN)  
MEMBER (J)

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