

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION No. 060/000490/2014

Chandigarh, this the 19th day of November, 2016

...
**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MR. UDAY KUMAR VARMA, MEMBER (A)**
...

1. Atul Bajaj son of Sh. Shri Ram Bajaj age 39 years working as Junior Scientific Officer (Explosive) (JSO) with the Central Forensic Science Laboratory, Sector 36, Chandigarh.
2. Aanchal Dwivedi wife of Sh. Sharad Kumar Pandey age 31 years working as Junior Scientific Officer (Physics) (JSO) with the Central Forensic Science Laboratory, Sector 36, Chandigarh.
3. Aman Deep Kaur wife of Sh. Navjeet Singh age 32 years working as Junior Scientific Officer (Ballistics) (JSO) with the Central Forensic Science Laboratory, Sector 36, Chandigarh.

... APPLICANTS
BY ADVOCATE: SHRI D.R. SHARMA WITH SHRI K.B. SHARMA

VERSUS

1. Union of India through Secretary, Ministry of Home Affairs, Government of India, Central Secretariat, North Block, New Delhi.
2. The Director-cum- Chief Forensic Scientist, Directorate of Forensic Science Services, Ministry of Home Affairs, Government of India Block NO. 9, 8th Floor, CGO Complex, Lodhi Road, New Delhi.
3. The Director, Central Forensic Science Laboratory, Sector 36, Chandigarh.

....RESPONDENTS

BY ADVOCATE: SHRI RAM LAL GUPTA

ORDER (Oral)

...
HON'BLE MR. SANJEEV KAUSHIK, MEMBER(J):-

1. The present Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:-

- (i) That the Directorate of Forensic Science Services, Group 'A' Posts Recruitment Rules, 2013 (Annexure A-12) be quashed and set-aside to the extent a Assistant Central Intelligence Officer Grade I (ACIOG-I) whose nature of duties are similar to a lower category post of Scientific Assistant (SA) have been benefited and allowed promotion to post of Scientist 'B' with reduced service of 3 years as ACIOG-I as against earlier 5 years service and as a result of benefit of 2 years the ACIOG-I have further been benefited in the case of in-situ promotions under the said 'Flexible Complementing Scheme' and ACIOG-I will march over and above JSO's and become their senior because the inter-se Seniority is determined in accordance with the date of appointment to the respective grades inspite of the fact that JSO's are equivalent to a higher category of post of Scientist 'B'.
- (ii) That it be declared that since job requirement and nature of duties of both of the posts of JSO and SSO/Scientist 'B' within same organization are same, therefore, there can not be any discrimination amongst the same set of employees by the same master in the same establishment and the principle of Equal Pay for Equal Work is applicable.
- (iii) That the respondents be directed to upgrade the pay scales of applicants, who are working as JSO, to the pay scale of the post of SSO/Scientist 'B' as the job requirement and nature of duties of SSO/Scientist 'b' are identical to that of JSO, i.e. from the scale of Rs. 9300-34800 GP 4600 to Rs. 15600-39100+GP 5400.

2. Learned counsel appearing on behalf of the parties are in agreement that the respondents have averred in their written statement vide para 4 (xii) that proposal for amendment of the Recruitment Rules has been forwarded to the quarter concerned along with their representation which is pending consideration with the concerned Ministry. Therefore, they submitted that the O.A. may be disposed of with a direction to the respondents to expedite the matter. Learned counsel representing the applicants submitted that the respondents be further directed to consider

their submissions made in their representation vide Annexure A-2 while deciding the matter.

3. Considering the submissions made by the parties, we dispose of this O.A. with a direction to the respondents to expedite the matter and while taking the decision their plea made in (Annexure A-2) may also be taken into account.

4. The O.A. stands disposed of accordingly.

Sanjeev Kaushik
(SANJEEV KAUSHIK)
MEMBER (J)

Uday Kumar Varma
(UDAY KUMAR VARMA)
MEMBER (A)

Dated: 19.11.2016
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