

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

**O.A No. 846/CH/2013 &
O.A No. 060/00014/2014**

Date of decision- 03.07.2014

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

...

O.A No. 846/CH/2013

| S. No. | Applicant's Name | Father's/Husband's Name | Designation |
|--------|--|-------------------------|---------------------------------|
| 1. | DRDO Technical Officers through S.M.Kalbhor Secretary. | Madhukar kalbhor | TO-'C' (Technical Officer-C) |
| 2. | DV Goswami | Late S. V Goswami | TO-'B' |
| 3. | Anju Kakkar | W/o Bharat Bhushan | TO-'B' |
| 4. | Sangeeta Gulati | W/o Sunil Gulati | TO-'B' |
| 5. | Balwant Raj Sharma | B.P. Sharma | TO-'B' |
| 6. | Babita Aggarwal | W/o Arun Aggarwal | TO-'B' |
| 7. | Mohan Lal | Late Piare Lal | TO-'B' |
| 8. | Anju Sharma | w/o C.M.Sharma | TO-'B' |
| 9. | Suresh Madan | J.K. Madan | TO-'A' |
| 10. | Deepak Chhabra | B.L. Chhabra | TO-'A' |
| 11. | Gurdeep Singh | Kishan Singh | TO-'A' |
| 12. | Vinod Kumar Chaudhary | Banrsi Das | TO-'A' |
| 13. | Sunita Kalra | w/o M.L. Kalra | TO-'A' |
| 14. | Sandeep Shourie | D.P. Shourie | TO-'A' |
| 15. | Bhajan Singh | Chunni Lal | TO-'A' |
| 16. | Sharda Devi | w/o Anand Singh | TO-'A' |

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|-----|--------------------|--------------|--------|
| | | Kharda | |
| 17. | Sheo Parson Bhagat | Bikem Bhagat | TO-'A' |
| 18. | Sri. Kishan | Sardara Ram | TO-'A' |
| 19. | V.P. Singh | R.N. Singh | TO-'A' |

Applicant no. 1 is working at High Energy Material Research Lab. Sutarwadi, Pune and applicants at Sr. No. 2-19 are working in Terminal Ballistics Research Lab (TBRL), Sector 30, Chandigarh.

...APPLICANTS

VERSUS

1. Union of India through Secretary, Ministry of Defence, Defence Research & Development Organization, DRDO Bhawan, Rajaji Marg, New Delhi-110105.
2. The Director General, R & D, Defence Research & Development Organization, Directorate of Human Resource Development, DRDO Bhawan, Rajaji Marg, New Delhi-110105.
3. The Director, Terminal Ballistics Research Laboratory, Sector 30, Chandigarh-160030.



...RESPONDENTS

✓ **O.A No. 060/00014/2014**

| S. No. | Applicant's Name | Father's/Husband's Name | Designation |
|--------|-----------------------|-------------------------|-------------|
| 1. | Ms. Sangeeta Bansal | Sh. Sandeep Bansal | TO 'B' |
| 2. | Sh. Ashok Kumar Saini | Sh. Baldev Raj Saini | TO 'B' |
| 3. | Sh. Manoj Athwal | Sh. P.C. Athwal | TO 'B' |
| 4. | Sh. Rajender Singh | Sh. Amar Singh | TO 'B' |

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All are working in Terminal Ballistics Research Lab (TBRL), Min. of Defence, DRDO, Sector 30, Chandigarh.

Versus

1. Union of India through Secretary, Ministry of Defence, Defence Research & Development Organization, DRDO Bhawan, Rajaji Marg, New Delhi-110105.
2. Ministry of Finance through its Secretary, North Block, New Delhi.
3. The Director General, R & D, Defence Research & Development Organization, Directorate of Human Resource Development, DRDO Bhawan, Rajaji Marg, New Delhi-110105.
4. The Director, Terminal Ballistics Research Laboratory, Sector 30, Chandigarh-160030.

...RESPONDENTS

Present:- Sh. Rajesh Verma, Advocate proxy for Sh. D.R. Sharma, counsel for the applicants.
Sh. G. S. Sathi, counsel for the respondents.

ORDER (ORAL)

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

Both the original applications are based on identical facts, which allow us to hear and decide these by a single order. For convenience, facts have been taken from O.A.No. 846/CH/2013 **(DRDO Technical Officers Association through its General Secretary S.M. Kalbhor. Vs Union of India & Ors.)**, in which the applicants have sought the following relief:-



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" That impugned letters/orders dated 10.05.2013, 13.05.2013, 30.05.2013 and 05.06.2013 (Annexures A-1, A-2 , A-3 and A-4) be quashed and set-aside, in the interest of justice.

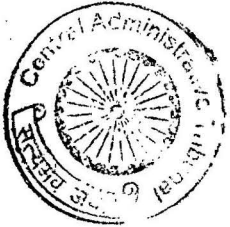
ii. That the action of respondents in rendering the statutory assessments made from the year 2006 to 2012 as infructuous be declared null and void and unsustainable, in the interest of justice.

iii. That impugned action of respondents in merging the post Senior Technical Assistant 'C', Group 'B' Non Gazetted, Non Ministerial with GP 4600/- to promoted post (under DRTC Rules year 2000, SRO 296 dated 05.12.2000) Technical Officer 'A', Group 'B' Gazetted, Non Ministerial bearing GB 4800, be declared null and void and unsustainable, in the interest of justice.

iv. That respondents be directed to grant applicants the next grade of Rs. 5400/- in PB-3 of Rs. 15600-39100 in place of G. P 4800/- in terms of Rule 6(1) of Rules of 2000, in the interest of justice.

v. That applicants be held entitled to all consequential benefits/relief's in the interest of justice.

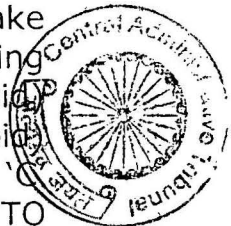
vi. That any other orders, directions etc for the grant of relief to applicant may be passed by this Hon'ble Court as it may deem fit and proper in the interest of justice."



3. Parties are ad idem that a similar controversy, as raised in the instant O.A., has already been put to rest by the Principal Bench of this Tribunal in case of **DRDO Technical Officers Association through its General Secretary Vs Union of India & Ors.**, in OA No. 3593/2013 decided on 21.03.2014 against the applicants therein, and as such this O.A may be decided in the same terms. The relevant paras of the decision are reproduced for ready reference, as under:-

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"22. In the instant case, as already noted, the posts of TA 'C' and STA 'C' and TO and TO 'A' were merged and re-designated as TO and TO 'A' and were placed in the PB-2/Grade Pay of Rs.4600/- and the Grade Pay of Rs.4800/- was withdrawn w.e.f. 1.1.2006, vide orders dated 10.5.2013, 13.5.2013 and 30.5.2013 (ibid) which have been issued in accordance with the First Schedule, Part A, Section I and First Schedule, Part C, Section I of the CCS (RP) Rules, 2008. Instead of merging the post of TA 'C' with the post of TO in Category 'A' and STA 'C' with TA 'A' in Category 'B' and placing them in PB-2/ Grade Pay of Rs.4600/- in accordance with First Schedule, Part C, Section I and First Schedule, Part C, Section I of the CCS (RP) Rules, 2008, the respondent nos. 1 and 2 had erroneously placed TA 'C' and STA 'C' in PB-2/ Grade Pay of Rs.4600/- and TO and TA 'A' in PB-2/Grade Pay of Rs.4800/- and treated the posts of TA 'C' and STA 'C' as feeder posts for promotion to TO and TO 'A' This mistake was rectified by the respondent nos. 1 and 2 by issuing orders dated 10.5.2013, 13.5.2013 and 30.5.2013 (ibid) whereby and where under the order dated 5.6.2009 (ibid) was cancelled/annulled, the posts of TA 'C' and STA 'C' were merged with TO and TA 'A' and the re-designated TO and TO 'A' were placed in PB-2/Grade Pay of Rs.4600/- with effect from 1.1.2006, and the excess payment was directed to be recovered from the applicants and other similarly placed officers. In the instant Original Application, the applicants have not challenged the legality and validity of the order withdrawing the Grade Pay of Rs.4800/- which was earlier erroneously granted to the posts of TO and TO 'A' by an invalid order. It is also found that the applicants were not entitled to the Grade Pay of Rs.4800/-. Thus, the Grade Pay of Rs.4800/- was paid to the applicants and others without any authority of law and payments have been received by the applicants also without any authority of law. In view of the decision of the Hon'ble Supreme Court in **Chandi Prasad Uniyal and others** (supra), such amount paid/received without authority of law can always be recovered barring few exceptions of extreme hardships. It is noted here that the applicants are holders of Group 'B' Gazetted posts. It is also not their case that they will face extreme hardship in the event of recovery of the excess payment from them. Therefore, in our considered view, the ratio decided laid



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down by the Hon'ble Supreme Court in Chandi Prasad Uniyal and others (supra) is squarely applicable to the facts and circumstances of the present case. However, we order that the excess payment made be recovered from the applicant's salary in twelve equal monthly installments."

23. In the light of the above discussions, we hold that the Original Application is devoid of merit and liable to be dismissed."

4. For the parity of reasons given in the case of *DRDO Technical Officers Association through its General Secretary, (supra)* both these O.As are also dismissed.

5. No costs.

(UDAY KUMAR VARMA)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 03.07.2014.

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Certified True Copy/प्रमाणित सत्य प्रतिलिपि

अनुभाग अधिकारी (कानून) / Section officer (Jrnl.)
केन्द्रीय प्रशासनिक अकादमी
Central Administrative Training College
चण्डीगढ़ पीठ / Chandigarh Bench
चण्डीगढ़ / Chandigarh