

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**RA-32/2015 in
OA-2318/2013**

Reserved on : 26.08.2015.

Pronounced on : 08.09.2015.

Hon'ble Mr. G. George Paracken, Member (J)
Hon'ble Mr. Shekhar Agarwal, Member (A)

Sh. R.C. Kashyap,
Age 56 years,
S/o late Sh. Raghubir Singh,
R/o 236B, Pocket-I,
Mayur Vihar, Phase-I,
Delhi-110091.

.... Review Applicant

(through Sh. S.K. Gupta, Advocate)

Versus

Union of India through

1. Secretary,
Ministry of Communication & IT,
Sanchar Bhawan,
New Delhi.
2. Wireless Adviser,
Ministry of Communication & IT,
WPC Wing, Sanchar Bhawan,
New Delhi.
3. Director (WM),
Wireless Monitoring Organisation,
Ministry of Communication & IT,
Pushpa Bhawan, New Delhi. Respondents

(through Sh. T.C. Gupta, Advocate)

O R D E R

Mr. Shekhar Agarwal, Member (A)

This Review Application has been filed by applicant of OA-2318/2013 for review of our order dated 09.12.2014 by which the O.A. had been dismissed. The review applicant has contended that the following grounds E & G of the O.A.

have not been considered by this Tribunal while passing the aforesaid order:-

“E. Because it is a fact that as per para (x)(e) of Resolution No.1/1/2008-IC dated 29.08.2008, Group B officer of Department of Post, Revenue etc. are required to be granted the grade pay of Rs.5400/- in Pay Band-2 on non functional basis after 4 years of regular service in the grade pay of Rs.4800/- in PB-2 and no specific recommendations were made for wireless monitoring organization being the subordinate office of Ministry of Communication & IT. The post of Administrative Officer of Wireless Monitoring Organisation is equivalent to Ministry of Communication & IT who are mend by CCS/CSSS Cadre.

G. Because in para (x)(e) of resolution No.1/1/2008-IC dated 29.08.2008, it is clearly mentioned that the group B officer of Department of Posts, Revenue etc. will be granted the grade pay of Rs.5400/- in PB-2 non functional basis after 4 years of regular service in the grade pay of Rs.4800/- in PB-2. The para (x) of resolution No.1/1/2008-IC dated 29.08.2008 is only for group B officer and not for other and this para is equally applicable on Wireless Monitoring Organisation i.e. the administrative officer etc.”

2. The respondents have filed their reply opposing the review application.

3. We have heard both sides and have perused the material on record. Learned counsel for the review applicant has cited the judgment of Hon'ble High Court of Delhi in the case of **Union of India Vs. V.D. Sharma** (WP(C) No.13115/2004) dated 31.08.2010 to say that Hon'ble High Court of Delhi that had directed the Tribunal not to ignore any of the grounds taken by the applicants while adjudicating their cases.

3.1 We have considered the submissions of the review applicant. For better appreciation of the matter, we reproduce the grounds E, F & G of the OA:-

“E. Because it is a fact that as per para (x)(e) of Resolution No.1/1/2008-IC dated 29.08.2008, Group B officer of Department of Post, Revenue etc. are required to be granted the grade pay of Rs.5400/- in Pay Band-2 on non functional basis after 4 years of regular service in the grade pay of Rs.4800/- in PB-2 and no specific recommendations were made for wireless monitoring organization being the subordinate office of Ministry of Communication & IT. The post of Administrative Officer of Wireless Monitoring Organisation is equivalent to Ministry of Communication & IT who are mend by CCS/CSSS Cadre.

F. Because as regards, nature of work, duties and responsibility of the administrative Officer of Wireless Monitoring Organisation, the duties, nature of work and responsibilities are similar and identical and are not less than the Section Officer of the Ministry. The Administrative Officer of Wireless Monitoring Organization not only have to look after the work of administration but also have to look after the financial matters. Copies of the duties and responsibilities of the administrative officer is annexed as **Annexure-A-14 (Colly)** and the duties and responsibilities of the Section Officer in Administration are annexed as **Annexure-A-15** and hence, the applicant is entitled to get the same benefit.

G. Because in para (x)(e) of resolution No.1/1/2008-IC dated 29.08.2008, it is clearly mentioned that the group B officer of Department of Posts, Revenue etc. will be granted the grade pay of Rs.5400/- in PB-2 non functional basis after 4 years of regular service in the grade pay of Rs.4800/- in PB-2. The para (x) of resolution No.1/1/2008-IC dated 29.08.2008 is only for group B officer and not for other and this para is equally applicable on Wireless Monitoring Organization i.e. the administrative officer etc.”

3.2 A conjoint reading of the three grounds mentioned above would make it clear that the submission of the applicant was that while decision had been taken vide Resolution No. 1/1/2008-IC dated 29.08.2008 to grant grade

pay of Rs. 5400/- in PB-2 on non functional basis after 4 years of regular service in grade pay of Rs. 4800 in PB-2 to Group-B officers of the Department, no such recommendation was made for the applicants who were working in Wireless Monitoring Organization even though their post of Administrative Officer was comparable to the post in the Ministry of Communication & IT, which were manned by CSS and CSSS officers. They further contended that the work done by the Administrative Officer was in no way less than the work of the Section Officer. Thus, it is evident that the applicants were seeking parity with the Section Officers and other officers of CSS/CSSS manning the posts in the Ministry. On going through our judgment dated 09.12.2014, we find that this issue has been considered by us in great detail in Paras 4 to 6. In these paras, we have discussed in detail the judgments relied upon by the applicants and have come to the conclusion that none of them was of any help to them. Thereafter, in Para 4.6, we have observed as follows:-

“ Thus, we come to the conclusion that none of the judgments relied upon by the applicant can be of much help to him as in none of these the issue of parity between Secretariat and Non Secretariat organizations has been gone into, leave aside parity between Administrative Officers of Wireless Monitoring Organization and SOs of Central Secretariat Service. Moreover, in this O.A. also the applicant has only made a bald averment that nature of work, duties and responsibilities of Administrative Officers of Wireless Monitoring Organization are similar and identical to the SOs in the Ministries. Other than this he has not adduced any evidence to support his claim of parity with the Central Secretariat Organization.”

3.3 We have also dealt with various pronouncements of Hon'ble Supreme Court in Para-5 of our judgment regarding the issue of pay parity. Thereafter, we have come to the conclusion that the wholesale identity between two cadres, which was required to be established as per the aforesaid pronouncements of Hon'ble Supreme Court for granting pay parity, was not established by the applicant. Thus, the contention of the applicant that the aforesaid grounds mentioned in the review application have not been considered by us is incorrect. In fact, these grounds have been considered by us in great detail in our judgment.

4. We, therefore, find no merit in this review application and the same is dismissed. No costs.

(Shekhar Agarwal)
Member (A)

(G. George Paracken)
Member (J)

/Vinita/