

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

RA-69/2016 in OA No.1834/2013

New Delhi, this the 24<sup>th</sup> day of January, 2017

**Hon'ble Mr. P.K. Basu, Member (A)**

**Hon'ble Dr. Brahm Avtar Agrawal, Member (J)**

1. Ankit Garg  
S/o Sh. Ishwar Charg Garg,  
R/o B1/2, Arjun Mohalla,  
Gali No.3, Moujpur, Delhi-53.
2. Nishant Raj  
S/o Sh. Kaushal Kishore Singh  
Permanent Address: New Chitragupta Nagar,  
P.O. Lohia Nagar, Kankarbagh, Patna-800020(Bihar)  
Present Address: C-5, Nawada Housing Colony,  
Dwarka More, Uttam Nagar, New Delhi-110059.
3. Gautam Kumar  
S/o Sh. Arjun Prasad Singh  
Permanent Address: Vill, Mahabigha,  
P.O. Ben, P.S. Ben, District Nalanda, State, Bihar-803114,  
Present Address: RZ-139 B, 60 Feet Road, Nand Vihar, P.O.  
Karkraula, Sector-16, Dwarka, New Delhi-78.
4. Rakesh Khandelwal  
S/o Sh. Satyanarayan,  
R/o 1/161, Khichri Pur, Near Bus Stand Kanlyan Puri,  
Delhi-91
5. Binay Kumar  
S/o Sh. Rameshwar Prasad  
Permanent Address: Mohalla Rambhadra,  
Ramachoura Kounhara Road, Near Churgh,  
P.O. Hajipur, Distt. Vaishali, State –Bihar,

Pin -844101,  
Present Address: B-22, Bhagwati Garden,  
Near Rama Park-59

6. Dharmendra Kumar Sinha  
S/o Sh. Madhusudan Prasad Sinha  
Permanent Address: Prem Kunj, Nathun Singh Lane,  
Chaintola, Mussalahpur, R.O. Mahendru  
Patna-800006,  
Present Address: C-2, Mohan Garden Nawada,  
Uttam Nagar, New Delhi-59 .... Review Applicants

(By Advocate : Mr. Vikrant Narayan Vasudeva)

### **Versus**

1. Union of India  
Through its Secretary  
Ministry of Commerce and Industry  
Department & Industrial Policy & Promotion  
Udyog Bhawan, New Delhi.
2. The Controller General  
Office of Controller General Patents, Design and Trade Marks  
Boudhik Sampada Bhawan, First Floor, S.M. Road,  
Antop Hill, Mumbai-400037.
3. The Assistant Registrar  
(Head of Office)  
Trade Marks Registry,  
Boudhik Sampada Bhavan  
Plot No. 32, Sector 14, Dwarka, New Delhi.-110075
4. The Joint Controller  
(Head of Office)  
Patents Office,  
Boudhik Sampada Bhavan, Plot No. 32, Sector 14,  
Dwarka New Delhi-110075. .... Respondents

(By Advocate: Mr. A.K. Singh)

## **ORDER (ORAL)**

**Hon'ble Mr. P.K. Basu, Member (A)**

Heard the learned counsel in the Review Application. The contention of the learned counsel for the applicant is that the Department of Expenditure, Ministry of Finance, vide their UO note No. 5 (1)/E.III(B)/2016 dated 06.06.2016 has accorded approval to grant of Grade Pay of Rs.2,400/- in PB-1 to the Data Entry Operators working in Office of CGPDTM from a prospective effect, which was communicated by Respondents vide order dated 15.06.2016. It is argued that the department had inadvertently not sent the case of the applicants to the 6<sup>th</sup> CPC and, therefore, they could not be granted of Grade Pay of Rs. 2,400/- and now that respondents themselves have granted the grade pay of Rs.2,400/-. The RA may be allowed.

2. We have gone through the documents produced before us by the learned counsel for the review applicants. On the date the matter was before us, we had considered the arguments put forth by the learned counsel for the applicants to bring parity with others. We did not find any merit in the pleadings at that stage. In subsequent developments, the respondents have granted the pay scale to the Data Entry Operators with grade pay of Rs.2,400/- from a prospective effect. If at all, the applicants

may, if they so wish, challenge order dated 15.06.2016 before the Tribunal. However, based on the subsequent order dated 15.06.2016, the Review Application cannot be considered. Even from perusal of internal notings filed by the applicants it is clear that the department had considered this demand for Rs.2,400/- G.P. as just an attempt by the applicants to gain some financial upgradation. The Review Application is, therefore, dismissed with liberty to the respondents to take the issue before the appropriate forum as aforesaid. No costs.

**(Dr. Brahm Avtar Agrawal)**  
**Member (J)**

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**(P.K. Basu)**  
**Member A)**