

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.720/2015
MA No.604/2015

Reserved on - 10.01.2017
Pronounced on - 13.01.2017

**Hon'ble Mr. V.Ajay Kumar, Member (J)
Hon'ble Mr. P.K.Basu, Member (A)**

1. Dr. Nishant Singh, Inspector (FP),
Aged about 39 years,
S/o Shri B.Prakash,
R/o C-145, Govindpuram, Ghaziabad.
2. Anil Kumar, Inspector (FP),
Aged about 43 years,
S/o Shri Raghbir Singh,
R/o 45, Sector 14-B, Dwarka,
New Delhi-78
3. Pankaj Kumar Joshi, Inspector (FP)
Aged about 41 years,
S/o Shri N.C.Joshi,
R/o 176, Katwaria Sarai,
New Delhi-16.
4. Pawan Kumar Mishra, Inspector (FP),
Aged about 50 years,
S/o Shri Sahdeo Mishra,
R/o 732, Sector-8, R.K.Puram,
New Delhi-22.
5. Uday Kumar Mishra, Inspector (FP),
Aged about 50 years,
S/o Late Shri M.P.Mishra,
R/o C-419, Sarojini Nagar,
New Delhi-23
6. Sushil Kumar Tewari, Inspector (FP),
Aged about 45 years,
S/o Shri B.N.Tewari,
R/o H 624, Sarojini Nagar,
New Delhi-23.
7. Anil Kumar Gaynar, Inspector (FP),
Aged about 47 years,
S/o Late Shri Shamrao Gaynar,
R/o J-412, Sarojini Nagar,
New Delhi-23.
8. Ram Chandra Gujar, Inspector (FP),
Aged about 45 years
S/o Shri Likhma Ram Gurjar
R/o H-148, Sarojini Nagar, New Delhi-23.

9. Udhamp Singh, Inspector (FP),
Aged about 44 years,
S/o Shri Harswaroop Singh,
R/o H-416, Sarojini Nagar,
New Delhi-23.
10. Shibajee Tripathy, Inspector (FP),
Aged about 50 years,
S/o Late Shri P.K.Tripathy,
R/o 282, Sector-3, R.K.Puram,
New Delhi-22.
11. Anil Kumar Sharma, Inspector (FP),
Aged about 51 years,
S/o Late Shri B.R.Sharma,
R/o 149C/GGI, Vikaspuri,
New Delhi-18.
12. Ram Ranjan Sharma, Inspector (FP),
Aged about 50 years,
S/o Shri K.K.Sharma,
R/o C-131, Saraswati Kunj Apartments,
Plot No.25, I.P. Extension, Delhi-92
13. Aftab Alam, Inspector (FP),
Aged about 51 years,
S/o Shri Mumtaz Alam,
R/o 1018, Sector-3, R.K.Puram,
New Delhi-22
14. S.Indira Sudha, Inspector (FP),
Aged about 48 years,
W/o Shri S.Prabhakar,
R/o 326/C/Pocket-II, Mayur Vihar-1,
Delhi-91
15. S.P.Singh, Dy. Superintendent (FP),
Aged about 44 years,
S/o Late Shri J.R. Singh,
R/o 657/7 Banglaw Chowk,
Mehrauli, New Delhi-30
16. Ravinder Kumar, Dy.Superintendent (FP),
Aged about 52 years,
S/o Late Shri Jagdish Chander Sharma,
R/o J 359, Sarojini Nagar, New Delhi-23
17. Tapas Ranjan Biswas, Dy. Superintendent (FP),
Aged about 55 years,
S/o Late Shri B.K.Biswas,
R/o G 815, Sarojini Nagar, New Delhi-23
18. Biswajit Roy, Dy. Superintendent (FP),
Aged about 55 years,
S/o Shri Radha Charan Roy,
R/o 686, Sector-4, R.K.Puram,
New Delhi. Applicants

(Through: Mr.M.K.Bhardwaj, Advocate)

VERSUS

Union of India & Ors.

1. The Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
2. Director cum Chief Forensic Scientists,
Directorate of Forensic Science Services,
Ministry of Home Affairs, Govt. of India,
New Delhi.
3. The Director General,
National Crime Records Bureau,
East Block-7, R.K.Puram,
New Delhi-110066. ... Respondents

(Through: Mr. N.D. Kaushik, Advocate)

O R D E R**Hon'ble Mr. P.K.Basu, Member (A):**

The applicants joined as Sub-Inspector in the Central Finger Print Bureau (CFPB). The administrative control of CFPB was transferred to Central Bureau of Investigation (CBI) in September, 1973 and then to National Crime Records Bureau (NCRB) in July, 1986.

2. The Government of India decided on the creation of a common cadre of Forensic Science and Technical Personnel of Central Forensic Institutions by amalgamating all cadres of Forensic Science placed in different organisations.

3. It is stated by the applicants that Government of India sought the opinion of NCRB and NCRB agreed to the creation of common cadre.

4. The grievance of the applicants is that while other organisations have been amalgamated in the Directorate of Forensic Sciences or in the process of amalgamation, the CFPB was not included.

5. The other grievance of the applicants is that as a result of non inclusion and timely cadre review not being done, the applicants have suffered a lot. They have, therefore, made the following prayers in this OA.

- "i. To declare the action of respondents in not passing necessary orders for amalgamation of CFPB with Directorate of Forensic Science as illegal and arbitrary and issue appropriate directions to the respondents for amalgamating of CPFB (FP) with Directorate of Forensic Science as per the recommendations of expert committee and like other organisations.
- ii. To declare the action of respondents in not holding cadre review of CFPB (FP) cadre since inception as illegal and issue appropriate directions for holding cadre review of applicants cadre and grant appropriate pay scale as attached to the similar posts in other departments including CBI etc.
- iii. To allow the OA with exemplary costs on the respondents.
- iv. Any other or further relief which the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."

5. Learned counsel for the respondents have stated that in view of the recommendations of an expert body, the amalgamation had been undertaken and since this is a policy matter of the Government, the Tribunal may not like to intervene. Regarding the cadre review for CFPB, it is stated in their reply that they have undertaken cadre review exercise for CFPB. However, the cadre structure in CBI cannot be compared to that in CFPB as these are two different organisations and completely different from each other in respect of their recruitment rules, duties and responsibilities and no case for parity with CBI is made out.

6. Heard the learned counsel. We are in agreement with the learned counsel for the respondents that whether CFPB will be

amalgamated with Directorate of Forensic Science or not is a matter of policy decision by Government of India and the Tribunal is not a position to give directions which organisations are to be included and which are not to be included in the DFS. As regards, prayer no. 2, clearly the CFPB cannot be compared with CBI and there is no question of parity between the two organisations. The OA is, therefore, dismissed. No costs.

(P.K.Basu)
Member (A)

(V.Ajay Kumar)
Member (J)

'sk'

...