

**Central Administrative Tribunal
Principal Bench**

O.A. No. 350/2012
M.A. No. 252/2012

New Delhi, this the 27th day of March, 2017

**Hon'ble Mr. P.K. Basu, Member (A)
Hon'ble Dr. Brahm Avtar Agrawal, Member (J)**

1. Shri Nathu Singh,
S/o Shri Amar Chand,
C-90, Duggal Colony,
Khanpur, New Delhi-110062
2. Shri Mohal Lal,
S/o Shri Hem Raj,
R/o N-34 D, Gali No.3,
Vijay Vihar, Uttam Nagar,
New Delhi-110 059
3. Shri Jai Dev Sharma,
S/o Shri Jai Narain,
House No.490, Vats Cottage,
Near Bhagwali, Chopal,
Gheora, Delhi-110 081
4. Smt. Jaiswari Rawat,
W/o Shri Surendra Singh Rawat,
Room No.8, Delhi Milk Scheme,
5. Shri Vijay Kapoor,
S/o Shri R.L. Kapoor,
Room No.57,
Delhi Milk Scheme
6. Shri Harjinder Singh,
S/o Late Sh. Sewa Singh,
Room No.51, Delhi Milk Scheme
7. Smt. Sunita Mehdiratta,
W/o Shri Ram Nath,
Room No.42, Delhi Milk Scheme
8. Smt. Ravinder Kaur,
W/o Shri Harvinder Singh,
Room No.52, Delhi Milk Scheme

9. Smt. Bhupinder Kaur,
W/o Shri Gurpal Singh,
Room No.15, Delhi Milk Scheme

10. Shri Chandreshwar Mahto,
S/o Shri Indra Dev Mahto,
R/o 76A, Shyam Vihar,
Gopal Nagar Extension,
Dhansa Road, Najafgarh,
New Delhi-110043

11. Shri Harjinder Singh,
S/o Late Shri Gopal Singh,
Room No.55, Delhi Milk Scheme

12. Shri Shyam Sunder,
S/o Shri Ganga Ram,
Room No.16, Delhi Milk Scheme,
West Patel Nagar,
New Delhi-110 008

- Applicants

(By Advocate: Shri M.K. Bhardwaj)

Versus

UNION OF INDIA Through

1. Secretary,
Ministry of Agriculture,
Dept. of AHD&F,
Krishi Bhawan, New Delhi-110 001

2. General Manager,
Delhi Milk Scheme,
West Patel Nagar,
New Delhi-110 008.

3. Dy. General Manager (Admn.)
Delhi Milk Scheme,
West Patel Nagar,
New Delhi-110 008.

4. The Secretary,
Ministry of Finance,
Dept. of Expenditure,
North Block, New Delhi-110 001.

.. Respondents

(By Advocate : Mrs. Harvinder Oberoi)

ORDER (Oral)**By Mr. P.K. Basu, Member (A):**

Heard both the sides.

2. MA 252/2012 filed for joining together is allowed.
3. The O.A. had been filed by the applicants, who were Senior Clerk in Delhi Milk Scheme. Their main ground was that since their nomenclature was Senior Clerk, they had not been granted the scale of Rs.1400-2300 (revised Rs.5000-8000) as other Head Clerks are drawing in other Organisations within the Ministry itself.
4. In their additional affidavit filed on 08.03.2017, the respondents have clarified as follows:

“3. That the said committee also noticed that in DMS also the post of Head Clerk was created, however, the same was subsequently abolished. However, considering the exigency of services the post of UDC carrying the special pay of Rs.35 was created and the same was re-designated as Sr. Clerk vide order dated 28.12.1989 in the scale of Rs.1400-2300 which was the pay scale of the post of Head Clerk in all subordinate offices of Govt. of India as well as DMS. The scale of Head Clerk in the subordinate offices was revised to Rs.5000-8000 in July 1998. The Head Clerk in the pay scale of Rs.1400-2300 serving in Animal Husbandry Department & Fisheries (AHD&F), Ministry of Agriculture were also granted the scale of Rs.5000-8000. However, the Sr. Clerk of DMS were neither designated as Head Clerk/Assistant nor granted the revised scale of Rs.5000-8000. Accordingly, the Committee recommended for grant of pay scale of Rs.5000-8000 (9300-34800 with grade pay of Rs.4200).

4. That although the error committed in case of Sr. Clerk, DMS due to non availability of complete details has been duly acknowledged on receipt of recommendations of Committee, however, the final decision on the basis of recommendations of the Committee constituted in the Chairmanship of Joint Secretary (Estt.) could not be taken due to pendency of O.A.”

5. In view of the above observation, since the Committee constituted for this very purpose has detected the anomaly and recommended the pay scale of Rs.5000-8000 (Rs.9300-34800 with Grade Pay of Rs.4200) for the Senior Clerks of Delhi Milk Scheme, the O.A. is allowed and the order dated 07.02.2011 is quashed and set aside, and the respondents are directed to grant the scale of Rs.5000-8000 to the applicants w.e.f. 01.01.1996 and the revised scale in the 6th Pay Commission accordingly. No order as to costs.

(Dr. Brahm Avtar Agrawal)
Member (J)

(P.K. Basu)
Member (A)

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