

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI**

**OA No.469/2015**

this the 4<sup>th</sup> day of September, 2015

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

1. Anand Singh Rawat, SFA (H)  
S/o Late Shri Pan Singh Rawat  
Age 50 years  
Village – Narisinghpur, P.O.,  
Karanpur, Distt.  
Nainital, Uttarakhand – 244715  
O/o Sub-Area, Organiser  
SSB, Ghorashan under Raxual Area
2. Bimal Basumatary, SFA (V)  
S/o Narayan Basumatary  
Age 49 years  
R/o Village – Madulibari, PO  
Dighldanga, Distt. Baksa  
BTAD (Assam)  
O/o Sub-Area Organizer, SSB  
Ghorasahan under Raxual Area
3. Shyamal Chakraborty, (SFA)(H)  
S/o Shri Late Narendra Nath Chakraborty  
Age 52 years  
R/o 1/45, Nali Nagar Colony, P.O.Haltu  
Kasba, Kolkata, WB-700078  
O/o Sub-Area Organiser, SSB, Balemu  
Arunachal Pradesh
4. Ratan Singh Rana (SFA) (V)  
S/o Shri Lt. Daleep Singh Rana  
Age 64 years  
Vill. Goog Rich Tea Estate  
P.O.Vikash Nagar, Distt. Dehradun, U.K.  
O/o Ex.SFA (V) retired from DIG, SHQ, SSB  
Gorakhpur, UP.
5. Om Raj, SFA (V)  
S/o Late Shri Panu Ram  
Age – 55 years  
Vill. Mohala Dharog, PO Chamba  
Distt. Chamba (HP)  
Retired as SFA (V)

6. Kehar Singh, SFA (V)  
S/o Late Shri Sadi Nand  
Age 55 years  
Vill. & PO – Larot, teh, Chirgaon, Distt.  
Shimla, Himanchal Pradesh  
O/o The Commandant Training Center  
SSB, Shamshi (HP)
7. Om Prakash, Ex-SFA (V)  
S/o Late Shri Nathu Ram  
Age 64 years  
Village Sanghiar, PO, Thill, Tehsil-Kahundian  
Distt – Kangra (HP)  
O/o Ex-SFA (V)
8. Hemant Kumar, SFA (H)  
Aged 47 years  
S/o Late Shri Padam Nabh Sharma  
R/o Ward No.7, Nalagarh Distt. Solan (HP)  
O/o The Commandant Training Centre, SSB  
Shamashi, (HP)
9. Chattar Singh, SFA (M)  
S/o Lt. Shri Dalip Singh  
Age, 51 years  
Vill. Rasmian, P.O.-Sunder Nager  
Distt – Mandi (HP)  
O/o The Commandant Training Centre, SSB  
Shamshi (HP)

.... Applicants

(By Advocate: Shri Ramesh Rawat)

### VERSUS

Union of India & Ors. through

1. The Secretary  
Ministry of Finance  
North Block, New Delhi
2. The Secretary  
Department of Expenditure  
Ministry of Finance  
North Block, New Delhi
3. The Director General  
Sashastra Seema Bal  
East Block, R.K.Puram  
New Delhi – 110 066

.... Respondents.

(By Advocate: Shri Sandeep Tyagi)

## **ORDER (ORAL)**

**Hon'ble Mr.V.Ajay Kumar, Member (J)**

Heard Shri Ramesh Rawal, counsel for the applicants and Shri Sandeep Tyagi, counsel for respondents.

2. The applicants, who are working as Senior Field Assistants (SFA) filed the present OA seeking the following reliefs :-

"(a) The Hon'ble Tribunal may, on the basis of the law laid down by the Apex Court in the case of Amrit Lal Berry (supra) and other decisions cited in para 5 and also endorsing the recommendations of the fifth Pay Commission as contained in para 126.5 thereof (extracted in para 5 above) be pleased to declare that the decision in the case of OA No.1046 of 2012 and OA No.2219 of 2012 (Annexure A-2) and other O.A.'s referred to hereinabove shall equally apply to all those FAs, SFA and AFO/Accountants who are similarly situated as the applicants therein and it be also held that in the case of applicants who are functioning as FAs, but who have already been afforded the ACP/MACP benefits, their Grade pay should be afforded the Grade pay of Rs.2,400/-. Similarly, it be also declared that those of the SFAs who have been afforded the financial benefit under the MACP Scheme bringing their Grade pay to that of AFO should be afforded the grade pay of Rs.2,800/-. Similarly AFO who have been granted the benefit of ACP should be afforded the Grade pay of Rs.4200/-.

This Hon'ble Tribunal may further be pleased to hold that while revising the grade pay and afford the same to the applicants herein, the respondents shall take into account the Fitment Table for such fixation and work out the pay due to the applicants accordingly.

It be further declared that the applicants are entitled to arrears of pay and allowances arising out of such revision of the Grade Pay with effect from 01.01.2006 and the same be paid with interest at a rate prevalent as interest rate on Fixed Deposits in any of the Nationalized Banks.

Time for execution of the order of the Tribunal be also calendared.

Or

In the alternative, the respondents be directed to consider the pending representations (Annexure A-1) in the light of the law laid down by the Apex Court in the case of **Amrit Lal Berry vs. CCE (1975) 4 SCC 714** and other cases referred to in para 126.5 of the recommendations of the Fifth Pay Commission within a time frame as may be calendared by the Tribunal and further to act on the basis of the decision so arrived

at. Should the representations be rejected for any plausible reason, the respondents be directed to pass a reasoned and speaking order within the aforesaid time frame.

Cost of this OA be also allowed in favour of the applicants and against the respondents.

The Hon'ble Tribunal may be pleased to pass such other suitable order or orders as the Tribunal may deem fit to meet the ends of justice."

3. When the matter is taken up, learned counsel for the applicants submits that in the similar circumstances and facts, in case of similarly situated persons this Tribunal passed certain orders on 12.01.2015 in OA No.115/2015 (Annexure A-6).

4. The learned counsel further submits that applicants would be satisfied, if respondents are directed to consider the cases of the applicants by keeping in view the order of this Tribunal passed in OA No.115/2015 and the Respondents' counsel has not objected for the same.

5. In the circumstances, the OA is disposed of by directing the respondents to consider the claim of the applicants, keeping in view the decision of the Tribunal in OA No.115/2015, if they are identically placed, and pass an appropriate reasoned and speaking order within 90 days from the date of receipt of a copy of this order. No costs.

(P.K.BASU)  
MEMBER (A)

(V.AJAY KUMAR)  
MEMBER (J)

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