

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. No. 1209/2014

M.A. No. 158/2015

Reserved on : 27.10.2015

Pronounced on : 17.11.2015

**HON'BLE MR. JUSTICE SYED RAFAT ALAM, CHAIRMAN
HON'BLE MR. P.K. BASU, MEMBER (A)**

1. Shri Azad Singh Khandsalya
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3. Sh. Manish Negi
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4. Sh. R.V. Gopal,
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5. Sh. Rajesh Narayan
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6. Sh. S.R. Bhaskar,
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7. Sh. Manoj Kumar Verma
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8. Sh. N.K. Chaudhary
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9. Sh. Rajat Kumar Sharma
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13. Smt. Reevey J. Jacob,
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14. Smt. Shubha Sinha
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15. Sh. D. Narasimha Rao
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16. Sh. Jitender Kapoor
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17. Sh. Molay Mukhopadhyay
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18. Sh. R.K.Dhawan
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19. Smt. Lakshmi Narayanan
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20. Shri A.K.Jha
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22. Sh. Ajay Kumar
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23. Sh. Amit Bhardwaj
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24. Sh. Arvind Kumar
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25. Sh. Ashok Raja Dhoundiyal
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26. Sh. Ashwani Batra
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27. Sh. Md. Atique Anwar
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28. Sh. Baaloo G. Iyer
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29. Sh. Benny Francis K
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30. Sh. Devender Kumar
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31. Sh. Ganesh Dutt
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34. Shri Kundan Kumar
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35. Shri Kundan Kumar
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36. Sh. Mohinder Singh
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37. Sh. N.S.Rawat
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38. Shri R.S. Rawat
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39. Sh. Rajender Kumar Sharma
B-47, Kiran Garden, Uttam Nagar
N. Delhi – 59.

40. Sh. Rakesh Kumar
RZ-I, Second Floor, St. No.19
Prem Nagar
Uttam Nagar.
41. Sh. Satish Chandra Sharma
H.No.S-569, School Blk
Shakarpur, Delhi-92.
42. Sh. Sumit Nag
H.No.2716-A, Sec-55
Faridabad-121004.
43. Shri Sunil Kumar
M-4, C-24C, Raj Height
Shalimar Garden-II
Sahibabad, Ghaziabad.
44. Sh. Sushil Kumar Bansal
D-19, GF, Brij Vihar
Ghaziabad, UP.
45. Sh. Vishwas Saxena
B2A-47, Janakpuri
N. Delhi-58.
46. Smt Anju Kandwal
D-81B, Sec-15, Noida.
47. Smt. Raji Geojo Thykkattle
Flat No.12, Krishna Apartment
20B/21A, Krishna Nagar
Safdarjung Enclave, N. Delhi-29.
48. Smt. Rama Bawa
H.No.1716, Lodhi Road Complex
N. Delhi.
49. Smt. Reshma Usmani
B-4, Friends Apartments, 49,
I.P.Extn. Patparganj, Delhi-92.

- 50.Smt Ritu Gusain
Q-63-A, Sec-12, Noida.
- 51.Sh. Bhuvneshwar Kumar
H.No.32, Basant Nagar
Near Vasant Vihar, New Delhi.
- 52.Sh. Phool Singh Choudhary
H.No.320, DDA Flats, Pkt-1
Sec B-4, Narela, Delhi-40.
- 53.Sh. Rajesh Kumar Vatsa
WZ-91, Naraina Village
N.Delhi-28.
- 54.Sh. Ramchandra Billat
H.No.19, Pratap Enclave
Mohan Garden, Uttam Nagar
N.Delhi.
- 55.Sh. Sanjay Kumar
D-69, Malka Ganj, Delhi-007.
- 56.Shri Sushil Kumar
985, Laxmibai Nagar
New Delh – 110 023.
- 57.Smt. Aruna Sethi
A-1/178-B, Keshav Puram
Near A-1 Market, Delhi-35.
- 58.Smt. Dolly Anand
U&V, 28B, Shalimar Bagh
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- 59.Smt. Geeta Pujari
H.No.281, Pkt-2, Sector-23
Rohini, Delhi-85.
- 60.Smt. Poonam Khurana
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61.Smt. Ranjeeta Manchanda
E-205, Rishi Nagar
Rani Bagh
Delhi – 34.

62.Smt. Shalini Katoch
4304, Alok Vihar-I
Sec-50, Noida.

... Applicants

(By Advocate : Ms. Jyoti Singh, Senior Counsel with
Shri Padma Kumar S.)

Versus

1. Union of India, through
Secretary
Ministry of Communications & IT
Department of Telecom
Sanchar Bhawan
New Delhi.

2. Telecom Regulatory Authority of India
Through Secretary
Mahanagar Doorsanchar Bhawan
Jawahar Lal Nehru Marg, (Old Minto Road),
New Delhi-110 002.

3. Secretary
Department of Expenditure
Ministry of Finance
North Block, New Delhi.

... Respondents

(By Advocate : Shri Manjeet Singh Reen for R-1 & 3 and
Shri Saket Singh for R-2)

ORDER

By Hon'ble Mr. P.K. Basu

The applicants are Section Officers/Private
Secretaries/Assistants/Personal Assistants in the Telecom

Regulatory Authority of India (TRAI). They are currently in the Pay Scale of PB-2, i.e. Rs.9300-34800 with Grade Pay of Rs.4600/- for Section Officers/Private Secretaries and Rs.4200/- for Assistants/Personal Assistants. Their grievance is that in the Central Secretariat Service (CSS)/Central Secretariat Stenographers Service (CSSS) cadre of the Central Govt., the corresponding Grade Pay for the Section Officers/Private Secretaries is Rs.4800/-and for Assistants/Personal Assistants is Rs.4600/-. Their demand is that they should get the same Pay Band and Grade Pay as paid to their equivalent in CSS/CSSS cadre.

2. In the case of Section Officers/Private Secretaries, the learned counsel pointed out that in Part-B, Section I of the Notification of the CSS (Revised Pay) Rules, 2008 notified on 29.08.2008 under common categories, the following has been provided :

(In Rupees)						
Sl.No.	Post	Present Scale	Revised Pay Scale	Corresponding Pay Band & Grade Pay		Para No. of the Report
				Pay Band	Grade Pay	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
I	OFFICE STAFF IN THE SECRETARIAT					
1	Section Officer/PS/ equivalent	6500-10500	7500-12000 8000-13500 (on completion of four years)	PB-2 PB-3	4800 5400 (on completion of four years)	3.1.9 (Modified by the Govt.
	* This scale shall be available only in such of those organisations/services which have had a historical parity with CSS/CSSS Services like AFHQSS/AFHQSSS/RBSS and Ministerial/Secretarial posts in Ministries/Departments organisations like MEA, Ministry of Parliamentary Affairs, CVC, UPSC etc. would therefore be covered.					

3. It is argued that once the 6th Pay Commission had recommended the revised pay scale of Rs.7500-12000 and corresponding pay band of PB-2 with Grade Pay of Rs.4800/- and

after four years of service, PB-3 with Grade Pay of Rs.5400/-, the same should have been made applicable to the Section Officers/Private Secretaries of TRAI.

4. It was also argued that SOs/PSs in TRAI and CSS/CSSS were in the same pre-revised pay scale of Rs.6500-12000 and, therefore, there is no cause for such discrimination between them now. Moreover, when TRAI was created in 1996, all the employees in TRAI were basically DoT employees on deputation, who were later absorbed when the TRAI cadre was formed. Therefore, even for this reason, the pay scales cannot differ.

5. Our attention was also drawn to Ministry of Communications and Information Technology's Notification dated 25.10.2002, which relates to TRAI (Salary, Allowances and Other Conditions of Service) Rules, 2002 and specifically Rule 4, which provides as follows:

"4. Conditions of Service – (1) The conditions of service of the officers and employees of the Authority including casual employees and any other category of employees in the matter of pay, all allowances, leave, joining time, joining time pay, age of superannuation and other conditions of service, shall be regulated in accordance with such rules and regulations as are, from time to time, applicable to officers and employees of the Central Government belonging to Group 'A', Group 'B', Group 'C' and Group 'D' as the case may be, and drawing the corresponding scales of pay."

6. It is stated that this provision makes it clear that whatever were the conditions of service applicable to employees of Central Govt. had to be made applicable to TRAI employees and, therefore,

the pay scales should have been the same and it is specifically mentioned that this will relate to “pay, all allowances, leave, joining time, joining time pay, age of superannuation and other conditions of service”. It is, therefore, argued that at this stage the respondents cannot bring about the differentiation in this case violating Rule 4 of the executive order.

7. It was also pointed out that when one of the affected parties made a representation, his representation was rejected vide order dated 13.01.2014 and this was communicated to the party. In fact, earlier vide order dated 24.10.2013, the Department of Telecommunication had passed specific order rejecting their claim as follows:

“I am directed to refer to your letter No.13-6/2010-A&P dated 10/13.06.2013 on the subject cited above and to say that the issue has been examined in consultation with D/o Expenditure, M/o Finance, Government has not found it feasible to grant grade pay of Rs.4800/- in Pay Band-2 to Section Officers/PS and grade pay of Rs.4600/- to Assistants/Pas in TRAI.”

8. It is argued that this is a non-speaking order and does not give any reason for rejection of their claim. The learned counsel for the applicant also tried to emphasise the fact that there are several notings in TRAI file (copies of which have been filed with the O.A.), which demonstrate that TRAI had seen the justification for granting them pay band and grade pay at par with the CSS/CSSS. However, being file notings, we cannot take cognizance thereof.

9. Hon'ble Supreme Court in the case of **Union of India Vs. Ashok Kumar Aggarwal**, 2013 (14) SCALE 323 stated that notings of files cannot be relied upon unless a specific order has been issued. In this regard, para 16 of the judgment of the Hon'ble Supreme Court is quoted below:

"16. The instant case is required to be considered in light of the aforesaid settled legal propositions, statutory provisions, circulars etc. The Tribunal inter alia had placed reliance on notings of the file. The issue as to whether the notings on the file can be relied upon is no more res integra. In *Shanti Sports Club v. Union of India*, (2009) 15 SCC 705, this Court considered the provisions of Articles 77(2), 77(3) and 166(2) of the Constitution and held that unless an order is expressed in the name of the President or the Governor and is authenticated in the manner prescribed by the rules, the same cannot be treated as an order on behalf of the Government. The Court further held:

"43. A noting recorded in the file is merely a noting simpliciter and nothing more. It merely represents expression of opinion by the particular individual. By no stretch of imagination, such noting can be treated as a decision of the Government. Even if the competent authority records its opinion in the file on the merits of the matter under consideration, the same cannot be termed as a decision of the Government unless it is sanctified and acted upon by issuing an order in accordance with Articles 77(1) and (2) or Articles 166(1) and (2). The noting in the file or even a decision gets culminated into an order affecting right of the parties only when it is expressed in the name of the President or the Governor, as the case may be, and authenticated in the manner provided in Article 77(2) or Article 166(2). A noting or even a decision recorded in the file can always be reviewed/reversed/overruled or overturned and the court cannot take cognizance of the earlier noting or decision for exercise of the power of judicial review."

Similarly, while dealing with the issue, this Court in *Sethi Auto Service Station v. DDA*, AIR 2009 SC 904 held:

"14. It is trite to state that notings in a departmental file do not have the sanction of law to be an effective order. A noting by an officer is an expression of his viewpoint on the subject. It is no more than an opinion by an officer for internal use and consideration of the other officials of the department and for the benefit of the final decision-making authority. Needless to add that internal notings are not meant for

outside exposure. Notings in the file culminate into an executable order, affecting the rights of the parties, only when it reaches the final decision-making authority in the department, gets his approval and the final order is communicated to the person concerned.”

10. However, the TRAI also send a formal proposal to the Department of Telecom vide letter dated 10/13.06.2013 recommending grant of Grade Pay of Rs.4800/- in PB-2 to SOs/PSs and Grade Pay of Rs.4600/- to Assistants/PAs in TRAI. In fact the impugned order dated 24.10.2013 is a reply to that.

11. The story in the case of Assistants/Personal Assistant is slightly different. Assistants/PAs in TRAI had parity of scale with Assistants/PAs in CSS/CSSS and the 5th Pay Commission's scale of Rs.5500-9000 was given to both of them. However, by an executive order dated 29.05.2006, Assistants of CSS/CSSS were granted the pay scale of Rs.6500-10500 and, therefore, when the 6th Central Pay Commission's (CPC's) pay scales came into effect from 01.01.2006, the Assistants in TRAI were granted the normal pay scale which is PB-2 with Grade Pay of Rs.4200/-, whereas the Assistants in CSS/CSSS were granted the 6th Pay Commission revised scales for the erstwhile scale of Rs.6500-10500, i.e. PB-2 with Grade Pay of Rs.4600/-. This is how the difference crept in.

12. The case of the applicants - both in the case of SOs/PSs and in the case of Assistants/Personal Assistants - is that the nature of

duties of the employees in TRAI and the Central Govt. is the same. Therefore, if one looks at the parity of scales and nature of duties, on both grounds, there is no reason for treating them differently.

13. The respondents first argument is that the applicants have straightway approached the Tribunal without exhausting alternative remedy of representing before the respondents. This is, however, not borne out by facts. Indeed one Shri Rajinder Kumar Sharma had made a representation which was rejected vide order dated 13.01.2014 and, therefore this contention of the respondents is rejected.

14. It is next argued that the employees of TRAI were not covered in the TOR of the 6th Pay Commission as the TOR of the CPC did not include the employees of Autonomous Bodies. It is added that even the 7th Pay Commission TOR does not include autonomous bodies and regulatory bodies. Therefore, the argument that the employees would need to be treated at par with CSS/CSSS and granted the same Pay Band and Grade Pay as paid to their equivalent in CSS/CSSS cadre is not borne out of the facts. It is further stated that even for the Central Govt., 6th CPC had made separate recommendation for Secretariat Staff as distinct from the staff working in the Central Govt. offices which are outside the Central Secretariat (Non-Secretariat Organisations).

15. It is pointed out that para 3.1.8 read with 3.1.9 of the report of 6th CPC has specifically mentioned two-tier pay structure, comprising the basic grade in the Grade Pay of Rs.4800/- (corresponding to the higher pre-revised pay scale of Rs.7500-12000 as against the pre-revised pay scale of Rs.6500-10500 applicable to Section Officers) and a non-functional grade in the Grade Pay of Rs.5400/- after four years service for the Section Officers in the Central Secretariat. There is no such recommendation for all Section Officers and Private Secretaries. Therefore, even in the specific recommendation of the CPC, these pay scales were only for Central Secretariat staff.

16. As regards specific case of Assistants/PAs in the Central Secretariat, the respondents have replied that these posts were in the pay scale of Rs.5500-9000 immediately before 1.1.2006, the date of effect of the recommendation of 6th CPC. The 6th CPC recommended the higher pay scale corresponding to the pre-revised pay scale of Rs.6500-10500 in case of Assistants of Central Secretariat, the revised Grade Pay for which recommended by it was Rs.4200/-. The Commission recommended that this pay scale would also apply to Central Secretariat Stenographers Services (CSSS). In case of Assistants/Steno Grade II in non-Secretariat offices, the Commission noted the lower pre-revised pay scales of at

Rs.4500-7000/Rs.5000-8000 and also the scale of Rs.6500-10500 for PSs.

17. It is further added that though the 6th CPC recommended a common pay scale comprising Pay Band-2 with Grade Pay of Rs.4200 for this category in Secretariat and all the category of posts ranging from the pay scale of Rs.4500-7000 to Rs.5000-8000, Rs.5500-9000 as well as Rs.6500-10500, it was mainly in line with its general recommendations for merger of hierarchical pre-revised pay scales of Rs.5000-8000, Rs.5500-9000 and Rs.6500-10500, as contained in para 2.2.21(v) of its Report. The Commission, while taking note that this merger would include some posts which presently constitute the feeder and promotion grades, recommended that if it was not possible to merge the posts due to functional disturbance, one course of action could be to place the pre-revised pay scale of Rs.6500-10500 in the Grade Pay of Rs.4600 along with the next higher pay scale of Rs.7450-11500. Thus, the Commission left it open for the Government to allow the higher Grade Pay of Rs.4600 to posts which were in the pre-revised scale of Rs.6500-10500 as against the Grade Pay of Rs.4200 recommended in common for the pre-revised scales of Rs.5000-8000, Rs.5500-9000 and Rs.6500-10500.

18. Accordingly, considering inter-alia, that a number of hierarchical pay scales covering lower and higher posts, viz.

Rs.5000-8000, Rs.5500-9000 and Rs.6500-10500, were getting merged in the common grade pay of Rs.4200/-, the Government vide its order of 13.11.2009 decided to place the pre-revised pay scale of Rs.6500-10500 in a separate Grade Pay of Rs.4600/-, taking it out from the group of pay scales of Rs.5000-8000, Rs.5500-9000 and Rs.6500-10500 which were merged in the common grade pay of Rs.4200/-. Thus, the pre-revised scale of Rs.6500-10500 was taken out of the class of scales of Rs.5000-8000 and Rs.5500-9000 and placed in a different category along with the pre-revised scale of Rs.7450-11500. In view of this, the posts which were in the pre-revised scale of Rs.6500-10500 stand on a different footing vis-a-vis posts in the lower pre-revised scales which were earlier merged with the former in the common Grade Pay of Rs.4200.

19. Subsequently, the Government also decided to grant the grade pay of Rs.4600/- to Assistants of Central Secretariat in terms of the order dated 16.11.2009. This was as a sequel to the general decision taken by the Government in terms of the aforesaid order dated 13.11.2009 because the pay scale of Assistants had been revised in the pre-revised set up only to Rs.6500-10500 in terms of the DoPT's O.M. dated 15.9.2006. Also, the 6th Central Pay Commission had well taken note of the scale of Rs.6500-10500 in

case of Assistants of the Secretariat, as is clearly obvious from para 3.1.14 of its report.

20. However, even though the Government decided to place the Assistants of the Secretariat in the Grade Pay of Rs.4600 as per the aforesaid OM dt.16.11.2009, the Government was well conscious of the recommendation of the 6th CPC about parity between Secretariat office and non-secretariat offices at the level of Assistants. Thus, as per the aforesaid OM dt.16.11.2009, the Government also decided to create an intermediary grade in the Central Secretariat at the level of grade pay of Rs.4200, i.e., between the grade of Assistant in the grade pay of Rs.4600 and that of UDCs in the grade pay of Rs.2800. This intermediary grade was created in the grade pay of Rs.4200 to maintain parity with the non-secretariat offices. The orders have been issued by DoPT in this regard on 22.6.2011 creating the intermediary grade of Rs.4200. Thus, it is grade pay of Rs.4200 where the parity is to be seen vis-a-vis non-secretariat offices and not at the level of grade pay of Rs.4600.

21. The learned counsel for the respondents further stated that the employees of autonomous organizations, including regulatory bodies, were not covered within the Terms of Reference of the 6th CPC. In fact, the employees of autonomous organizations were not part of the ToR of the previous Pay Commission, namely, 5th CPC as

well. Consequent upon implementation of the recommendations 5th CPC as well as 6th CPC, in case of Central Government employees, separate instructions were issued by the Government for extension of the pay scales to employees of autonomous organizations.

22. These instructions clearly provide that it is only the pay scales contained in part A of the First Schedule of CCS (RP) Rules, 2008 that were to be adopted and the pay scale contained in Part B thereto would not be automatically applicable to the employees of the said autonomous bodies.

23. The basic difference between the Part A and Part B of the CCS (RP) Rules, 2008 is that while the former provides for normal replacement pay scales, i.e., the revised pay scales directly corresponding to the pre-revised pay scales, the latter provides for pay scales higher than the normal replacement scales based on the specific recommendations of the 6th CPC. Thus, Part B of the CCS (RP) Rules, 2008 provided for specific pay scales mentioned by the 6th CPC in respect of the specific posts covered there under. The pay scales recommended by the 6th CPC in case of staff in the Secretariat as well as in organizations outside the Secretariat are contained in Para B only.

24. Since the higher pay scale comprising the dual structure of Grade Pay of Rs.4800/- and Rs.5400/- after four years in case of

Section Officers and Private Secretaries is specifically applicable in case of Central Secretariat as per Part B of the First Schedule of CCS (RP) Rules, based on the specific recommendations of the 6th Central Pay Commission applicable strictly in the Central Secretariat, the same is not applicable to post outside non-Secretariat organizations, including autonomous organizations and regulatory bodies like TRAI which are all not part of the Central Secretariat.

25. Since the higher replacement Grade Pay of Rs.4600 given to Assistants of the Central Secretariat as per the aforesaid OM dt. 13.11.2009 and 16.11.2009, follows a specific decision of the Government in view of the facts submitted above, the same is a case of higher than normal replacement scale and pertains to the specific case of Central Secretariat and, hence, the same is not applicable to posts outside the Central Secretariat, including autonomous organizations and regulatory body like TRAI.

26. The learned counsel reiterated that the regulatory bodies like TRAI, are not part of the Central Secretariat. These bodies are performing their functions as regulatory bodies in the specific area which comes under their regulatory framework and it goes without saying that this function is clearly not part of the Secretariat function of the Central Government and, hence, they are clearly outside the Central Secretariat. This being so, the scales of pay

specifically applicable for staff in Central Secretariat are not applicable to staff in TRAI in much the same way as these scales are not applicable to staff in field offices outside the Secretariat or the autonomous bodies which are outside the Central Secretariat.

27. Learned counsel for respondent No.2 reiterated the position that Rule 4 as cited by the learned counsel for the applicant cannot be overruled by an executive order and, therefore, the pay scale for TRAI staff has to be at par with CSS/CSSS.

28. Heard the learned counsel on behalf of the applicant as well as the respondents and perused the relevant rules and reports.

29. We need to first examine the issue raised by the learned counsel for the applicant and respondent No.2 regarding Rule 4 of TRAI (Salary, Allowances and Other Conditions of Service) Rules, 2002. We have quoted Rule 4 above and relevant phrase there is that "Conditions of service of TRAI shall be regulated in accordance with regulations as applicable to Central Govt. employees but for those drawing the corresponding scales of pay."

30. One element of fact clearly is that the Assistants of TRAI were not in the same pre-revised scale as that of CSS/CSSS. While the former were in the pre-revised scale of pay of Rs.5500-9000, the latter have been awarded higher pay scale of Rs.6500-10500. Therefore, there is no parity even for application of this rule. As the

rule clearly says that “they had to belong to the corresponding scales of pay.” As regards Section Officers/Personal Secretaries, the recommendation of the 6th CPC (a) is not applicable automatically to TRAI or any other regulatory body for that matter as the Pay Commission TOR did not cover regulatory bodies including TRAI.

31. In any case, the paragraph of Office Memorandum referred to above by the applicant clearly mentions that it is for common category of SOs/PSs in the pay scale of PB-2 with Grade Pay of Rs.4800/- and after four years of service, PB-3 with Grade Pay of Rs.5400/- specifically for Central Secretariat staff and in Note 2 below chart, it says that “This scale shall be available only in such of those organisations/services which have had a historical parity with CSS/CSSS Services like AFHQSS/AFHQSSS/RBSS and Ministerial/Secretarial posts in Ministries/Departments organisations like MEA, Ministry of Parliamentary Affairs, CVC, UPSC etc. would therefore be covered”. Therefore, to claim that this automatically means that SOs/PSs of TRAI have to be given these 6th CPC pay scales is incorrect.

32. Learned counsel for the applicant has further argued that the nature and duties and responsibilities of SO/PS/Assistants/PAs are identical to those in CSS/CSSS. The learned counsel, however, was unable to demonstrate this before us through any document or any work study report of the Govt. which will prove that they are

identical and, therefore, the principle of 'equal pay for equal work' should not apply. In fact, anyone familiar with the working of TRAI and that of the Central Secretariat is aware of the fact that the nature of work is substantially different and there is hardly any commonality. Learned counsel for the applicant drew our attention also to para 5(ii) of the TRAI letter dated 10/13.06.2013 where it is stated as follows:

"5(ii) Duties & responsibilities:

The duties and responsibilities of SO/PS and Assistant/PA of TRAI are absolutely as defined in the Manual of Office Procedure and are **akin** to the duties and responsibilities of Assistant/PA and SO/Ps of CSS/CSSS."

but even this letter, beyond this blank statement, does not throw any light on how these two sets are identical. In fact, it does not even say identical but says 'akin'.

33. Apart from the above facts, what is most important is that the Hon'ble Apex Court in catena of judgments have laid down that Tribunals should normally not get into the arena of deciding pay scales being a policy matter of the Government.

34. Hon'ble Supreme Court in **Balco Employees' Union (Regd.) Vs. Union of India & others**, (2002) 2 SCC 333, held that it is not for the Court to consider relative merits of different political theories or economic policies. Similarly the Court cannot strike down a

policy decision merely because it feels that another policy would have been fairer or wiser or more scientific or logical.

35. Hon'ble Supreme Court in **Union of India & Another Vs. P.V. Hariharan and Another**, 1997 SCC (L&S) 838 and **Union of India Vs. Makhan Chand Roy**, AIR 1997 SC 2391, also held that the Tribunal should not interfere in pay scale matters and it should best be left to be decided by expert bodies like Pay Commissions.

36. Moreover, 6th Pay Commission is long over and now it is understood that 7th Pay Commission is also in the final stage of finalization of its recommendations.

37. In view of above discussion, we find no ground to interfere in this matter and, therefore, we dismiss this O.A.

38. In view of final orders passed in the O.A., M.A. 158/2015 also stands disposed of. No order as to costs.

(P.K. Basu)
Member (A)

(Syed Rafat Alam)
Chairman

/Jyoti/