

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

O.A. No. 1977/2011

with

O.A. No. 1978/2011,

M.A. No. 2267/2012

O.A. No. 2480/2005

M.A. No. 2233/2009

C.P. No. 276/2007

and

M.A. No. 3174/2012

M.A. No. 2228/2009

O.A. No. 2474/2005

C.P. No. 275/2007

Reserved on : 14.07.2016

Pronounced on : 26.07.2016

**HON'BLE MR. P.K. BASU, MEMBER (A)  
HON'BLE DR. BRAHM AVTAR AGRAWAL, MEMBER (J)**

**O.A. No. 1977/2011**

Rajiv Dixit through his LRs

1. Usha Dixit W/o Late Shri Rajiv Dixit
2. Jatin Dixit S/o Rajiv Dixit
3. Ruchika Dixit D/o Rajiv Dixit

All R/o Q-7/11, DLF, Qutab Enclace,  
Phase-II, Gurgaon, Haryana. .. Applicants

(By Advocate : Shri Gopal Dutt)

Versus

1. Union of India,  
Through the Secretary to the Government of India,  
Ministry of Information & Broadcasting,  
Shastri Bhawan, New Delhi-110001.
2. Union of India,  
Through the Secretary to the Government of India,

Ministry of Personnel, Public Grievances & Pension,  
 Department of Personnel & Training,  
 North Block, New Delhi-110001.

3. Union of India,  
 Through the Secretary to the Government of India,  
 Ministry of Finance,  
 North Block, New Delhi-110011. .. Respondents

(By Advocate : Shri S.M. Arif)

**O.A. No. 1978/2011**

Anil Kishore  
 S/o Late Shri J.P. Krishna,  
 R/o Flat No.463, Pocket A-2,  
 Prateek Apartments,  
 Paschim Vihar, Delhi. .. Applicant

(By Advocate : Shri Gopal Dutt)

Versus

1. Union of India,  
 Through the Secretary to the Government of India,  
 Ministry of Information & Broadcasting,  
 Shastri Bhawan, New Delhi-110001.

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 Through the Secretary to the Government of India,  
 Ministry of Personnel, Public Grievances & Pension,  
 Department of Personnel & Training,  
 North Block, New Delhi-110001.

3. Union of India,  
 Through the Secretary to the Government of India,  
 Ministry of Finance,  
 North Block, New Delhi-110011. .. Respondents

(By Advocate : Shri S.M. Arif)

**MA 2233/2009 in CP 276/2007**  
**in O.A. 2480/2005**

Rajiv Dixit (Through his LRs)

1. Usha Dixit W/o Late Shri Rajiv Dixit
2. Jatin Dixit S/o Rajiv Dixit
3. Ruchika Dixit D/o Rajiv Dixit

All R/o Q-7/11, DLF, Qutab Enclace,  
 Phase-II, Gurgaon, Haryana. .. Petitioners

(By Advocate : Shri Gopal Dutt)

Versus

1. Shri Raghu Menon,  
 Secretary to the Government of India,  
 Ministry of I & B,  
 Shastri Bhawan, New Delhi.
2. Shri V.K. Bhardwaj,  
 Dy.Secretary to the Government of India,  
 Ministry of I & B,  
 Shastri Bhawan, New Delhi. .. Respondents

(By Advocate : Shri S.M. Arif)

**MA 2228/2009 in CP 275/2007 in**  
**OA 2474/2005**

Anil Kishore  
 S/o Late Shri J.P. Krishna,  
 R/o Flat No.463, Pocket A-2,  
 Prateek Apartments,  
 Paschim Vihar, Delhi. .. Petitioner

(By Advocate : Shri Gopal Dutt)

Versus

1. Shri Raghu Menon,  
 Secretary to the Government of India,

Ministry of I & B,  
Shastri Bhawan, New Delhi.

2. Shri V.K. Bhardwaj,  
Dy. Secretary to the Government of India,  
Ministry of I & B,  
Shastri Bhawan, New Delhi. .. Respondents

(By Advocate : Shri S.M. Arif)

**ORDER**

**By Hon'ble Mr. P.K. Basu**

**OA 1977/2011**

The applicants are Senior Architects working in Civil Construction Wing (CCW) of All India Radio (AIR). CCW came into existence in 1971-72 and became fully operational in 1972-73. Prior to this, Central Public Works Department (CPWD) was handling various works pertaining to the Ministry of Information and Broadcasting. These works are now being carried out by the CCW.

2. At Annexure-5, the applicant has placed AIR Manual in which Rules 3.5.5 and 3.5.12 read as follows:

**“3.5.5. Applicability of CPWD Rules :**

The Civil Construction Wing is working generally on the pattern of C.P.W.D. The rules contained in C.P.W.D. Account Code, C.P.W.D. Department Code and C.P.W.D. Manuals and subsidiary instructions issued by competent authorities, under these rules, from time to time, apply to the Civil Construction Wing.”

**“3.5.12. Duties and Responsibilities :**

Since Civil Construction Wing, All India Radio is working basically on the pattern of C.P.W.D., the duties and responsibilities of staff working in the organisation are the same as laid down in Section-II of C.P.W.D. Code and Chapter-3 and Chapter-8 of C.P.W.D. Manual Volume-I. However, there have been certain differences as regards internal delegation of powers to various officers of Civil Construction Wing, Headquarters as per DG: AIR Order No.A-179 with latest instructions from time to time.”

3. In para 50.45, the 5<sup>th</sup> Central Pay Commission (CPC) had recommended that Non-functional Selection Grade (NFSG) of Rs.4500-5700 (Revised Rs.14300-18300) should be converted into a single functional scale for Superintending Engineers and promotion to this scale would be permitted only on completion of 13 years of service in Group ‘A’. The recommendations further stated that although the above recommendation is being made in the context of CPWD Engineers, it is clarified that this dispensation would be available to all Engineering cadres in the Government.

4. The respondents granted the Non-functional Grade of Rs.4500-5700 (Revised Rs.14300-18300) vide order dated 03.04.1998 of Ministry of Information & Broadcasting to those Superintending Engineers of CCW, who have completed 13 years service in Group ‘A’ or w.e.f. 01.01.1996, whichever is later.

5. The Department of Personnel & Training (DoPT) O.M. No.22/1/2000-CRD dated 06.06.2000, which relates to the recommendations of the 5<sup>th</sup> CPC on schemes of pay of posts of

Superintending Engineers and Executive Engineers and equivalent in the Organised Group 'A' Engineering Services, in para 2 states that implementation of 5<sup>th</sup> CPC recommendations will necessitate the restructuring of Group 'A' cadre in the Central Engineering Service, the Central Electrical and Mechanical Engineering Service and other recruitment to which is made through the Combined Engineering Services Examination.

6. Under Schedule-I of the Recruitment Rules for the posts in CCW of AIR, classification of Superintending Engineer (Electrical) has been shown as "General Central Services, Group 'A' gazetted, non-ministerial". Similarly, in the Recruitment Rules of Chief Engineer (Civil) Level-II notified on 16.11.1990, the classification of this post is shown as "General Central Services, Group 'A' gazetted, non-ministerial".

7. Learned counsel for the applicant states that in O.A Nos. 2480/2005 and 2474/2005, vide order dated 01.11.2006, the Tribunal observed as follows:

"We are aware that the Courts are expected to exercise restraint in matters of pay scales but the background in which similar pay scales could be found justified and Government decisions could be interfered with has also been spelt out particularly if such decisions had not been arrived at bona fide, reasonably and rationally.

14. There can be little doubt that the recommendations of a specialized and expert body like the Central Pay Commission are the result of scientific study and detailed job evaluation keeping in view the horizontal and vertical relativities and their recommendations are not to be trifled with. At the same time, the acceptance of the Pay Commission recommendations lies with the government. If the Government has thought fit to

extend the benefit of the 5<sup>th</sup> CPC recommendations to the various departments and particularly the Architects in CPWD as well as the Superintending Engineers in CCW AIR, we are not convinced that in view of the above discussion, a denial of similar benefits of the applicants is justifiable as per the stand taken by the authorities.

15. The respondents are therefore directed to consider the benefit of pay scales sought by the applicants in accordance with law, keeping our above observations in view, and if they are otherwise eligible, extend the same to them within a period of four months from the date of receipt of a copy of this order. The applications are accordingly disposed of. No costs.”

8. In response to the above said Tribunal's order, the Department issued the impugned Office Memorandum dated 18.06.2009 by which they have rejected the claim of the Senior Architects of CCW, AIR (the applicant herein) to grant the upgraded scale of Rs.14300-18300, primarily on the following grounds:

- (i) The benefit of the upgraded scale cannot be granted as it is applicable only to Organised Group 'A' Engineering Services and Senior Architects in CCW do not belong to any Organised Group 'A' Service;
- (ii) The benefit can only be given to Organised Group 'A' Engineering Services, recruitment to which is made through Combined Engineering Services Examination through UPSC, and recruitment to the post of Senior Architects in CCW, AIR is not made on the basis of Combined Engineering Services Examination through UPSC;

(iii) Senior Architects of CCW, AIR do not have the same hierarchical pattern as Engineering Officers and Senior Architects of the CPWD; and

(iv) Senior Architects were neither in receipt of scale of Rs.4500-5700 nor their promotional scale was of Rs. 18400-22400. They were being promoted in the pay scale of Rs.16400-20000. In contrast SEs of CCW were drawing Rs.4500-5700 (Revised Rs.14300-18300) and their promotional grade was Rs.18400-22400, which is on par with SEs of CPWD. The hierarchical pattern of Senior Architects of CCW and their pay scales were not comparable to Senior Architects of CPWD.

9. Learned counsel for the applicant stated that in the report of 3<sup>rd</sup> CPC at para 84, the following had been recommended:

“84. A Civil Construction Wing under the charge of a Chief Engineer has been established in the All India Radio, which is responsible for the construction and maintenance of the buildings of the organisation. The recruitment rules for the various posts are yet to be finalised. For the Class I posts in this Wing, we recommend the scales of pay indicated in the table below:-

TABLE XXII

S.No.	Name of Post	No. of Posts	Existing scale of pay	Proposed scale of pay
			Rs.	Rs.
1.	Chief Engineer	1	2000 (Fixed)	2250-2500
2.	Superintending Engineer	1	1300-60-1600-100-1800	1500-2000
3.	Senior Architect	1	1300-60-1600-100-1800	1500-2000
4.	Executive Engineer/Architect/ Surveyor of Works/ Engineer Officer	9	700-40-1100-50/2-1250	1050-1600

The Class II and the Non-gazetted posts in this Wing are on scales of pay applicable to similar posts in the other engineering organisations and the scales recommended for these posts should be adopted for posts in this Wing also.”

10. Similarly, the 4<sup>th</sup> CPC in para 70 and 72 have recommended as follows:

**“70. Civil Engineering Wing :** This Wing consists of three branches viz. Civil Engineering, Electrical Engineering and Architecture. The categories of posts, their number and scales of pay are shown in the table below:-

TABLE XIV

Posts	Pay Scales	Number
	Rs.	
Senior Architects Superintending Engineer	1300-1800	10
Architects/Regional Architects, Executive Engineers, Surveyor of Works	700-1250	44
Assistant Executive Engineers	400-950	13
Assistant Architects, Assistant Surveyors of Works, Assistant Engineer	350-900	144
<b>TOTAL</b>		<b>211</b>

72. As the qualifications, method of recruitment and duties and responsibilities of these posts are identical with those of the corresponding officers of the CPWD, the scales recommended by us for the Central Engineering Service should apply to these posts in the P & T also.”

It is stated that from the above it is clear that upto 3<sup>rd</sup> and 4<sup>th</sup> CPC, there was absolutely parity between the Architects and Engineering staff in CCW.

11. Further, the applicant relied on the following judgments:

(1) **Union of India & Others Vs. Noorul Hooda**, WPCT No. 70/2014

The Hon'ble High Court upheld the decision of the C.A.T., Calcutta Bench in O.A. No.1127/2012 vide order dated 30.08.2013

that the same pay band which was made applicable to Architects who are employed in CPWD must be extended to Senior Architects working in Civil Construction Wing of All India Radio. The matter was challenged right upto the Hon'ble Supreme Court and the SLP was dismissed.

(2) OA Nos. 227/2013 and 228/2013 of C.A.T., Principal Bench, which were disposed of in the light of the order of the Calcutta Bench dated 30.08.2013 in O.A. No.1127/2012, and the OAs were allowed vide order dated 03.01.2014.

(3) **State of Mizoram & Another Vs. Mizoram Engineering Service Association & Anr.**, Civil Appeal No.793/1998 dated 06.05.2004. In this matter the Hon'ble Supreme Court held as follows:

“Great stress was laid on the fact that Engineering Service in the State was not an organized service and therefore, it did not have categorisation by way of entrance level and senior level posts and for that reason the higher scale of Rs.5900-6700 which was admissible for senior level posts could not be given in the Engineering Service. The main reason for dubbing Engineering Service as an unorganized service in the State is absence of recruitment rules for the service. Who is responsible for not framing the recruitment rules? Are the members of the Engineering Service responsible for it? The answer is clearly 'No'. For failure of the State Government to frame recruitment rules and bring Engineering Service within the framework of organized service, the engineers cannot be made to suffer. Apart from the reason of absence of recruitment rules for the Engineering Service, we see hardly any difference in organized and unorganized service so far as Government service is concerned. In Government service such a distinction does not appear to have any relevance. Civil Service is not trade unionism. We fail to appreciate what is sought to be conveyed by use of the words 'organised service' and 'unorganised service'. Nothing has been pointed out in this behalf. The argument is wholly misconceived.”

**(4) UOI Through its Secretary, Ministry of Information and Broadcasting Vs. Rajiv Dixit, WP(C) No. 7209/2007 dated 09.07.2008**, in which the Hon'ble High Court held as follows:

“We do not find any error in the view taken by the Tribunal. The mere fact that the Respondent did not belong to an organized service was not an adequate ground for denial of the benefit given by the Fifth Pay Commission to similarly placed persons who were working with the Civil Construction Wing of All India Radio. In any event, the Tribunal has merely given a direction to the Petitioner to consider the case of the applicant and if it is found that the Respondent is eligible for the benefit of the Fifth Pay Commission Report, the Respondent should be extended that benefit.”

12. In the light of the above judgments, it is the case of the applicant that the decision of the respondents in rejecting their application on the ground that they do not belong to Organised Group 'A' service is no longer valid. In fact, in OA No.1127/2012, the applicant was working as Superintending Engineer in the scale of Rs.4500-5700 (Revised Rs.14300-18300), which had been denied to him by the respondents on the same ground that he did not belong to Organised Group 'A' service. However, in view of the decision of the CAT, Calcutta Bench, as upheld right upto the Hon'ble Supreme Court, the respondents have now granted that scale to Superintending Engineers of CCW.

13. The applicant's counsel further argues that vide O.M. dated 20.12.2000 (Annexure A-21), which is in modification of DoPT O.M. dated 06.06.2000, the reference to Central Engineering Services Examination has been dispensed with and, therefore, the applicant cannot be denied the upgraded scale even on this ground that they

do not come through the Central Engineering Services Examination conducted by the UPSC.

14. The learned counsel for the applicant also drew our attention to Annexure A-4 which is regarding execution of 'deposit works' by Civil Construction Wing and specifically to following paras, which read as follows:

"3.1 CCW : AIR is following CPWD manual in its working. CPWD is one of the oldest Government construction departments and executes "deposit works" of various ministries and organisations abroad. They are prescribed norms and rates for departmental charges levied by the CPWD formwork executed by them (within the country and abroad). The rates are subject to variations with the approval of the competent authority. CCW intends to follow the similar norms and that rates has adopted and revised by CPWD from time to time."

xxx xxx xxx xxx

7.5 Broadly departmental charges and consultancy fee shall be as per the norms and yardsticks of CPWD subject to certain variations with the approval of the competent authority."

15. Learned counsel for the applicant further drew our attention to reply dated 01.04.2010 to an RTI application and specifically to the following queries and their reply:

S.No.	Query	Reply
1.	Confirm & identify the Superintending Engineers in CCW who ever belonged to Organized services, has been direct recruit appointee through CES examination in CCW.	Superintending Engineers of CCW do not belong to Group 'A' Organized Service.
3.	Furnish certified CCW RRs which stipulates CCW SEs in pay scale of Rs.14300-18300/Rs.3700-5000 are directly promoted to the post of Chief Engineer/SAG grade.	As per existing rules of CCW, AIR, SEs are promoted to post of CE (Level-II), which is presently in position as the post of CE (Level-I) has not been filled up since 1995 and the same comes under the deemed abolished clause.

5.	CPIO may kindly furnish certified and notified document which establish specific mentioned of signatory about the Architecture cadre posts in CCW i.e. different from that of CPWD-Mother Org.	CCW, AIR is working generally on the pattern of CPWD. But the hierarchical pattern and pay scale in respect of Engineers and Architects in CCW, AIR is different. The highest post of Architecture Cadre in CCW is Chief Architect in the pay scale of Rs.16000-20000/-. The nature of duties and financial powers of Chief Architect is different from that of CPWD.
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He also drew our attention to reply dated 12.04.2010 to an RTI application and specifically to the following queries and their reply:

S.No.	Query	Reply
3.	Identify the CCW SEs ever held the old pay scale of Rs.4500-5700/-.	No SE of CCW in pay scale of Rs.4500-5700/-.
4.	Identify the CCW SEs ever appointed in CCW after having qualified the CES Exams conducted by UPSC	SEs are not appointed through CES Exams conducted by UPSC. But SEs are promoted from the feeder post of EEs. CCW as per the existing RRs.
5.	Copy of Gazette notification of Govt. / I&B in respect of CCW RRs operative since notification evident that CCW's SEs are onward promoted in Rs.18400-22400/-.	SEs in CCW are not directly promoted to the post of CE-I (Rs.18400-22400/-) but as per the extant RRs the SEs are promoted first to the post of CE-II in the pay scale of Rs.16400-20000/-. But SEs can raise to CE-I. The post of CE-I is presently not existing and is attracted by deemed abolition clause as the post is lying vacant from 1995.

16. To summarise, the arguments of the learned counsel for the applicant are as follows:

(i) There is no clear definition of Group 'A' service and, therefore, as held by the Hon'ble Courts in the cases cited above, this cannot be a ground for rejection of applicants' claim.

(ii) Requirement of coming in through CES Examination through UPSC has also been done away with vide DoPT's O.M. dated 20.12.2000, as mentioned above.

(iii) The benefits of upgraded scale has been granted to SEs of CCW, who were always at par with Senior Architects of CCW.

(iv) There is no distinction in the responsibilities and duties between Engineers and Architects of CCW and CPWD and they have been at par in the 3<sup>rd</sup> and 4<sup>th</sup> CPC. It is only at the time of 5<sup>th</sup> CPC that the respondents granted the benefit of upgradation only to CPWD Engineers and Architects and denied the same to the Engineers and Architects of CCW. Later, however, due to intervention of Tribunals/Courts, they granted the benefit only to Superintending Engineers in CCW.

It is argued, in the light of above facts, that there is no ground to deny the same upgraded scale to the Architects in CCW.

17. Per contra, the learned counsel for the respondents argued that the Tribunal in OA Nos. 2480/2005 and 2474/2005 had not given any specific direction but only a direction to consider granting the benefit of pay scale sought by the applicant in accordance with law, keeping the Tribunal's observations in view, and if the applicants are otherwise eligible, extend the same to them. In fact, when the matter came up before the Hon'ble High Court of Delhi in WP(C) No.70/2014 and 7209/2007, the Hon'ble High Court did not

pass any specific direction in view of the fact that the Tribunal has merely given a direction to the petitioner to consider the case of the respondent (the applicant herein) and if it is found that the respondent is eligible for the benefit of 5<sup>th</sup> Pay Commission Report, the respondent should be extended that benefit. In view of the above directions of the Tribunal as well as the Hon'ble High Court, the department examined the issue *de novo* and issued the O.M. dated 18.06.2009 and the reasons why the applicants were not found eligible for the benefit of 5<sup>th</sup> Pay Commission Report have been clearly stated in the order and it has been already discussed above.

18. It is further argued by the respondents' counsel that nature of duties between CPWD and CCW are not exactly the same and, therefore, the words "generally" has been used in the instruction that are cited above in paras 14 and 15 on which the applicant rely to state that the nature and duties are the same.

19. Thirdly, it is argued that as stated in para 8 of the order dated 18.06.2009, the SEs of CCW were drawing the scale of Rs.4500-5700 (Rs.14300-18300) and their promotional grade was Rs.18400-22400, which is on par with SEs of CPWD, whereas the Senior Architects of CPWD were not in receipt of scale of Rs.4500-5700 (Rs.14300-18300) nor their promotional scale was Rs.18400-20400 but only Rs.16400-20000. Therefore, the benefit given to CCW

Superintending Engineers as a result of the Tribunals/Hon'ble High Court/Hon'ble Supreme Court's orders will not be automatically apply in the case of Senior Architects of CCW.

20. The learned counsel for the respondents also drew our attention to para 11 of the order dated 30.08.2013 in OA No.1127/2012 in which the court has noted as follows:

“It is seen that the Superintending Engineer (Electrical) belonging to the Construction Wing of AIR had earlier been given the pay scale in Pay Band-4 with Grade Pay of Rs.8700 and it was only recently that the view had been taken that the Superintending Engineers were to be fixed in Pay Band-3 with Grade Pay of Rs.7600 on the plea that as per the Recruitment Rules for the post of Superintending Engineers in AIR the functional scale of JAG is not applicable to them as they are not an organised Group ‘A’ Engineering Service, as per advice of DOPT & Ministry of Law.”

21. It is also stated by the learned counsel for the respondents that the Hon'ble Supreme Court has held in catena of judgments that the Tribunal will not normally enter into the exercise of deciding pay scales and this should be best left to the Executives to be decided on the basis of recommendations of expert bodies, such as Pay Revision Commissions. It is, therefore, stated that the Tribunal may not like to interfere in this matter.

22. Heard the learned counsel and perused the pleadings and various judgments placed before us.

23. As would be clear from the impugned order dated 18.06.2009, the claim of the applicant has been rejected on the three grounds:

(i) They do not belong to Organised Group ‘A’ service.

(ii) They do not come through Combined Engineering Services Examination.

(iii) The pay scale and promotional scale of Senior Architects of CCW and Superintending Engineers of CCW were not the same. The scale of SEs of CCW was on par with SEs of CPWD, which was not the case for Senior Architects of CCW.

24. The applicant has been able to demonstrate, by citing judgments of the Hon'ble Supreme Court, that the distinction between Organised Group 'A' Service and Group 'A' Service cannot be relied upon by the respondents. Therefore, that could not be a valid ground for rejecting the claim of the applicants. Similarly, they have demonstrated that the requirement of Combined Engineering Services Examination has also been done away in the DoPT's O.M. dated 20.12.2000.

25. The applicant, through RTI replies dated 01.04.2010 and 12.04.2010, has shown that the department has confirmed that SEs of CCW do not belong to Group 'A' service; there was no SE of CCW in pay scale of RS.4500-5700; SEs are not appointed through CES Exams conducted by UPSC but SEs are promoted from the feeder post of EEs as per existing hierarchy; further that SEs in CCW are not directly promoted to the post of Chief Engineer (Rs.18400-22400) but as per the extant RRs, the SEs are promoted first to the post of Chief Engineer (Level-II) in the pay scale of

Rs.16400-20000; further clarified that SEs can rise to Chief Engineer (Level-I) but the post of CE-I is presently not existing and is attracted by deemed abolition clause as the post is lying vacant from 1995. Therefore, it seems that there was no difference in the pay scale hierarchy of the SEs and Architects in CCW. Moreover, both were not Group 'A' Organised Services and both did not come through CES Examination. Hence, they were completely at par.

26. It will appear from the above facts that the SEs and Senior Architects in the CCW were at par. Accordingly, we come to the conclusion that there is no ground to deny the Senior Architects the benefit of upgraded scale of Rs.14300-18300 w.e.f. 28.10.1996, when the applicant completed 13 years of service. The O.A. is, therefore, allowed. The order dated 18.06.2009 is quashed and set aside, with a direction to the respondents to grant the applicant the pay scale of Rs.14300-18300 along with all consequential benefits. Time frame fixed for compliance of our order is 90 days from receipt of a certified copy of this order. No costs.

### **OA 1978/2011**

In this O.A., the prayer is for granting the scale of Rs.12000-16500 which become the Non-Functional JAG Scale for Executive

Engineers as per recommendation of 5<sup>th</sup> CPC in para 50-45, which recommended the functional scale of Rs.14300-18300 to Superintending Engineers. Since we have allowed the prayer in O.A. 1977/2011 above, the prayer in this O.A. automatically stands allowed.

**MA 2233/2009 in CP 276/2007 & MA 2228/2009 in CP 275/2007**

Through MA Nos. 2233/2009 and 2228/2009, the applicants have alleged commitment of perjury on the ground that an untrue office communication dated 18.06.2009 had been filed by the respondents. Their basic allegation is that whereas in O.A. 2480/2005, the prayer was for grant of functional scale of Rs.14300-18300, it was mentioned as Non-Functional Selection Grade and in O.A. 2474/2005 it was the question of grant of Non-Functional Junior Administrative Grade.

2. We do not think that this was a deliberate attempt to mislead this Tribunal but merely an inadvertent error and, therefore, we dismiss these M.As. In view of our order passed above, CP Nos. 276/2007 and 275/2007 are also dismissed accordingly.

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

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

/Jyoti/