

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

**O.A. No. 3030/2015
M.A. No. 2664/2015**

New Delhi, this the 14th day of August, 2015.

**HON'BLE MR. G. GEORGE PARACKEN, MEMBER (J)
HON'BLE MR. SHEKHAR AGARWAL, MEMBER (A)**

1. Om Prakash Rajpurohit
Aged about 52 years,
S/o Shri Nathu Singh,
R/o B-29, Mother Teresa Nagar,
Malviya Nagar, Jaipur – 302017.
2. J. P. Agarwal,
Aged about 59 years,
S/o Shri Dayachand Agarwal,
R/o 80, Sonabaru Gopalpura Jaipur-302015
3. Jagroop Singh,
Aged about 53 years,
S/o Shri S. B. Singh,
R/o 68/16, Pratap Nagar Jaipur
4. Gajendra Singh Chauhan,
Aged about 49 years,
S/o Shri Fanindra Singh Chauhan
H. No. 61, Chandra Nagar Beawar Road,
Ajmer.
5. Hemraj Meena,
Aged about 51 years,
S/o Shri Shyoji Lal Meena
R/o E-II 8 Saraswati Nagar Near Gold Souk,
Malviya Nagar, Jaipur
6. Ram Kishan,
Aged about 56 years,

S/o Shri Kanhaiya Lal
H. No. B-119, Model Town Jagatpura Road,
Malviya Nagar, Jaipur.

7. Ghanshyam Vijay,
Aged about 53 years,
S/o Sh. Purshottam Swaroop Vijay
R/o 35-Krishna Nagar,
Gopalpura Byepass Road, Jaipur.
8. Madan Chand Bansal,
Aged about 50 years,
S/o Shri Khyali Ram Bansal
62/78, Pratap Nagar Sanganer, Jaipur
9. Narendra Goyal,
Aged about 58 years,
S/o Shri Pyare Lal Goyal
501, Anant Sneh Heights Opp. Silver Spring
Appartment, New Navratna Complex,
Udaipur 313001.
10. J. P. Sukhwal,
Aged about 53 years,
S/o Shri Satyapal Sukhwal,
1 n 12, Talwandi, Kota
Rajasthan 324 005.
11. N. L. Sharma,
Aged about 53 years,
S/o Shri Gaurishankar Sharma
120-a Nityanand Nagar Queen's Road Ajmer Road,
Jaipur.
12. Pradeep Kumar Gupta,
Aged about 50 years,
S/o Shri Ramkumar Gupta
338-A Kusum Vihar Ramnagariya Road,
Jagatpura, Jaipur 302017.

13. Ashok Kumar Tambi,
Aged about 52 years,
S/o Shri Ramnath Tambi
258 Gayatri Nagar-A Maharani Farm,
Durgapura, Jaipur 302018.
14. K. N. Gupta,
Aged about 50 years,
S/o Shri N. L. Gupta,
27 P & T Colony
Opp. NBC Shanti Nagar,
Hatwara Road, Jaipur.
15. Bhagwan Sahai Meena
Aged about 47 years,
S/o Shri Essar Ram Meena
C-183, Dadhichi Nagar,
Murlipura Scheme Jaipur 302039.
16. Jagdish Pradad Gupta,
Aged about 49 years,
S/o Shri Mohan Lal Gupta
583 Haribhahu Upadhyay Nagar Ext.
Pushkar Road, Ajmer 305001.
17. Kaushal Kishor Khandelwal,
Aged about 49 years,
S/o Shri M. M. Gupta,
R/o A-111, Shreenath Puram Kota 324010.
18. S. N. Mathur,
Aged about 62 years,
S/o Shri L. L. Mathur
14/199, Shipra Path Mansarovar,
Jaipur 302020.
19. Tikam Thakur,
Aged about 69 years,
S/o Shri Atmaram Thakur,
R/o. 171, Muktanand Nagar,

Gopalpura By-Pass, Jaipur 302015.

20. Sone Lal,
Aged about 66 years,
S/o Shri Tej Singh,
94, Vivek Vihar Jagatpura, Jaipur 302007.
21. Gautam Sharma,
Aged about 65 years,
S/o Shri Ghanshyam Sharma
7, Hanuman Colony, Kartarpura,
22-Godam, Jaipur 302006.
22. Ashok Kumar Agarwal,
Aged about 53 years,
S/o Shri Prem Chand Agarwal
G-26, Sidharth Nagar, Nand Puri,
Malviya Nagar, Jaipur 302017.
23. Om Swaroop Mathur,
Aged about 65 years,
S/o Shri Mohan Lal Mathur,
R/o. 2/5, Rajeev Marg,
Panchsheel, Ajmer.

(All the applicants are working as AE)Applicants

(By Advocate : Shri R. K. Jain, proxy for Mr. M.K. Bhardwaj)

Versus

1. Union of India
Through its Secretary,
Ministry of Information & Broadcasting,
Shastri Bhawan, New Delhi.
2. The Chief Executive Officer,
Prasar Bharti, PTI Building,
Parliament Street, New Delhi.

3. The Director General,
Doordarshan
Doordarshan Bhawan,
Copernicus Marg,
New Delhi. ...Respondents

(By Advocate : Mr. Rajeev Sharma & Ms. Priyanka Raj
for R-2 & 3)

O R D E R (O R A L)

Mr. G. George Paracken, Member (J)

M.A. No. 2664/2015 :

This M.A. is filed by the applicants under Rule 4(5)(a) of C.A.T. (Procedure) Rules, 1987 for joining together. For the reasons stated herein, the M.A is allowed.

O.A No. 3030/2015 :

2. Mr. Rajeev Sharma & Ms. Priyanka Raj appear on behalf of the respondents no. 2 & 3 on receipt of an advance copy of the O.A.

3. The applicants have filed this Original Application seeking the following reliefs :-

"(i) To declare the action of respondents in not granting the grade pay of Rs.5400 to applicants, as illegal, arbitrary and direct the respondents to grant grade pay of Rs.5400 and release the arrears of pay at par with identically placed persons to the applicants.

(ii) To direct the respondents to extend the benefits of order dated 06.08.2010 & 5.11.2014 in OAs No. 2662/2009 & 3048/2012 as well as order dated 23.04.2012 in OA No. 1515/2015.

(iii) Such other reliefs as are deemed fit, Hon'ble Tribunal, fair and reasonable Hon'ble Tribunal the facts and circumstances of the case, including consequential benefits with interest @ 18% per annum on the delayed arrears."

4. According to the applicants, their case is squarely covered by the orders of this Tribunal in O.A 2662/2009, 3048/2012 and 1515/2015. The order in O.A No. 2662/2009 dated 06.08.2010 being short one, reproduced as under :-

"Applicants, who were on deemed deputation to Prasar Bharati, are still governing the conditions of service as compared to their counterparts in Central Government, as reflected from the Cabinet decision taken on 29.1.2009 whereby it is decided that all the employees, who are on deemed deputation as certified under RTI appended at page 116 of the paper book, shall be entitled to the pay scale and other benefits as per their entitlement.

2. It is no more res integra that as the counterparts in Department of Posts have been placed in the PB-III with grade pay of `5400/-, the applicants are being entitled for the same. However, they are not being granted the grade pay of `5400/-. The only justification, which has come forth by the respondents in their reply and also a proposal, which the Ministry of Finance has turned down on 7.7.2009 firstly on the ground that upgraded pay scales as recommended by 6th CPC for certain section of Central Government employees and common category posts cannot be implemented in the case of employees working in Prasar Bharati, which is an autonomous organization and secondly the revised pay structure notified vide para 1 (x) (a to e) of Departments Resolution dated 29.8.2008 is

applicable to the category/cadre of Group-B officers. As such, in the case of those Group-B officers whose category/cadre is not mentioned in the said paragraphs of the departments above-mentioned Resolution cannot claim upgradation based on it. Further, revised pay structure of Assistant Engineers working in Central Government Departments like CPWD, etc. has been separately notified vide CCS (Revised) Rules, 2008 and the same, as notified by the Government, is grade pay of `4600 in PB-II.

3. We have carefully considered the rival contentions of the parties and perused the records.

4. An information under RTI served upon the applicant clearly indicated that the decision referred to above in clause 1 (x) (a to e) of the Resolution dated 29.8.2008 placing Group-B employees in the grade pay of `5400/- covers the applicants in the present OA but it does not entitle the employees of autonomous body. As we find on an admitted stand that the applicants are still the Central Government employees on deemed deputation to Prasar Bharati vide a Cabinet decision, the pay structures granted to the employees of Central Government shall mutatis mutandis apply to the applicants and rejection of their request for grade pay of `5400/- is not justifiable.

5. Resultantly, OA is allowed and impugned decision of the respondents is set aside. Respondents are directed to accord grade pay of `5400/- in PB-III after completion of four years regular service in grade pay of `4800/-, with all arrears, within a period of two months from the date of receipt of a copy of this order. No costs."

5. In view of the above position, the O.A. is disposed of at the admission stage, without going into the merits of the case, with a direction to the respondents to consider the cases of the applicants in the light of the aforesaid orders of this Tribunal in

OA No.2662/2009(supra) and OA No. 3048/2012 (supra) and if their cases are covered by the aforesaid orders, they shall also be given the same benefits. We also direct the respondents to pass appropriate orders in this regard within a period of one month from the date of receipt of a copy of this order. No order as to costs.

6. The Registry shall also send a copy of this OA to the respondents.

(SHEKHAR AGARWAL)
Member (A)

(G. GEORGE PARACKEN)
Member (J)

/Mbt/