

Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.3170/2014

Tuesday, this the 25th day of July 2017

Hon'ble Mr. K.N. Shrivastava, Member (A)

Puran Chand Chawla (Group B Retired)

Age 75 years

s/o late Shri Parmanand Chawla

2/49, Jangpura

Near Sahi Hospital, New Delhi – 110 014

..Applicant

(Mr. B S Mathur, Advocate)

Versus

Union of India & others through

1. Secretary, Department of Commerce
Ministry of Commerce & Industry, Govt. of India
Nirman Bhawan, New Delhi – 110 001

2. Chief Controller of Accounts
Ministry of Commerce & Industry
Department of Commerce (Supply Division)
16-A, Akbar Road Hutments
New Delhi – 110 011

3. Director General
DGS&D, Jeewan Tara Building
Parliament Street, New Delhi – 110 001

..Respondents

(Mr. V.K. Sharma, Advocate)

O R D E R (ORAL)

The applicant, who joined as Lower Division Clerk (LDC) in the year 1958, and rose to become Private Secretary (PS) by getting his regular promotions. He retired from the post of PS on 31.08.1997 on attaining the age of superannuation from the Ministry of Commerce. He was granted the pay scale of `6500-200-13500 w.e.f. 01.01.1996, which was applicable to the PS cadre then.

2. The Director General, DGS&D, New Delhi (respondent No.3), vide Annexure A-1 order dated 17.07.2006, granted the non-functional scale of `8000-275-13500 to the applicant considering the fact that he had completed 4 years of approved service on 01.01.1996. As a matter of fact, the applicant had come to the grade of PS in the year 1991 itself.

3. The controversy involved in the present O.A. is in regard to grant of replacement scale to the applicant for the purpose of his pensionary benefits after the implementation of the recommendations of 6th Central Pay Commission (CPC). According to the applicant, the replacement scale for the pay scale of `8000-275-13500 is PB-3 - `15600-39100 with Grade Pay of `5400/-.

4. The applicant has vehemently contended in the O.A. that the respondents have wrongly granted him the replacement scale of `9300-34800 with Grade Pay of `5400/- vide their Annexure A-6 order, whereas he was entitled for the replacement scale of `15600-39100 with Grade Pay of `5400/-.

5. The respondents, on the other hand, contended that PB-3 – `15600 + Grade Pay of `5400/- is the entry grade for Group 'A' service officers and that scale cannot be granted to the applicant, as he had retired palpably as a gazetted Group 'B' officer.

6. Heard the learned counsel for parties.

7. Learned counsel for applicant drew my attention to Annexure A-4 Notification dated 29.08.2008 issued by the Ministry of Finance. Section II of the said Notification is extracted below:-

Sl. No.	Post	Present scale	Revised Pay Scale	Corresponding Pay Band & Grade Pay		Para of Report	No. the
(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 4 years)	(7) 3.1.9 (Modified by Govt.)	
	* This scale shall be available only in such of those organizations/ 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.						

8. There is no dispute that the PS cadre comes under the category of CSSS cadre and hence the above Section II of the Notification dated 29.08.2008 is applicable to the PS cadre as well. It was also stated that several Ministries have already implemented the Notification dated 29.08.2008 in respect of their PS cadre. Copies of the following office orders of some of the Ministries, submitted by the applicant, are noted below:-

(i) Order dated 22.09.2008 issued by the Ministry of Shipping, Road Transport & Highways, Department of Road Transport & Highways (Establishment-II (B) Section)

(ii) Order dated 26.02.2014 issued by PAO (Environment) New Delhi, Environment & Forests, New Delhi

(iii) Office order No.338 of 2014 dated 13.06.2014 issued by the Ministry of Petroleum & Natural Gas, Government of India.

9. In view of the Notification of Ministry of Finance dated 29.08.2008, I am fully convinced that the replacement scale for non-functional selection grade for PS cadre, post – 6th CPC, is `15600-39100 with Grade Pay of `5400/- Hence, I accept the contention of learned counsel for applicant that the applicant is entitled to this replacement scale.

10. In the conspectus of discussions in the foregoing paragraphs, this O.A. is allowed. Respondents are directed to re-fix the pension of the applicant considering his basic pay as PB-3 - `15600-39100 with Grade Pay of `5400/-. This shall be done within a period of three months from the date of receipt of a copy of this order. Arrears of pension, if any, may also be paid to the applicant. It is, however, made clear that the applicant shall not be entitled for any interest on such arrears.

No order as to costs.

(K.N. Shrivastava)
Member (A)

July 25, 2017
/sunil/