

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA NO.3314/2013

Reserved on 10.05.2016
Pronounced on 17.05.2016

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

1. Brahm Singh,
S/o Shri Bir Singh,
Working as Auto Electrician,
Aged about 50 years,
Posted in Delhi Fire Services at
Auto Workshop, Moti Nagar,
New Delhi-110015.
2. Kishori Lal,
S/o late Shri Babu Lal,
Working as Upholster,
Aged about 47 years,
Posted in Delhi Fire Services
at Auto Workshop, Moti Nagar,
New Delhi-110015.
3. Yad Ram,
S/o Shri Tek Chand,
Working as Tyre Vulcanizer,
Aged about 48 years,
Posted in Delhi Fire Services
at Auto Workshop, Moti Nagar,
New Delhi-110015.
4. Sudesh Kumar,
S/o Shri Mohkem Singh,
Working as Tyre Vulcanizer,
Aged about 48 years,
Posted in Delhi Fire Services
at Auto Workshop, Moti Nagar,
New Delhi-110015.
5. Subhash Chand,
S/o Shri Nand Lal,
Working as Welder-cum-Blacksmith,
Aged about 45 years,

Posted in Delhi Fire Services
at Auto Workshop, Moti Nagar,
New Delhi-110015.

6. Raj Bhim,
S/o Shri Ram Singh,
Working as Blacksmith,
Aged about 46 years,
Posted in Delhi Fire Services
at Auto Workshop, Moti Nagar,
New Delhi-110015.
7. Subhash Chander,
S/o Shri Ram Singh,
Working as Blacksmith,
Aged about 42 years,
Posted in Delhi Fire Services
at Auto Workshop, Moti Nagar,
New Delhi-110015.
8. Jagbir Singh,
S/o Shri Hukum Singh,
Working as Latheman,
Aged about 45 years,
Posted in Delhi Fire Services
at Auto Workshop, Moti Nagar,
New Delhi-110015. ...Applicants

(By Advocate: Mr. R.K. Shukla)

VERSUS

1. The Chief Secretary,
National Capital Territory of Delhi,
Delhi Secretariat, I.P. Estate,
New Delhi-110002.
2. The Principal Secretary (Home),
National Capital Territory of Delhi,
Government of N.C.T., Delhi,
Delhi Secretariat, I.P. Estate,
New Delhi-110002.
3. The Director,
Delhi Fire Service Headquarters,

Govt. of N.C.T. of Delhi,
New Delhi-110001.

4. The Chief Fire Officer-I,
Delhi Fire Service Headquarters,
Connaught Lane,
New Delhi-110001. ...Respondents

(By Advocate: Ms. Alka Sharma)

:ORDER:

DR BRAHM AVTAR AGRAWAL, MEMBER (J):

The applicants, eight in number, working in Delhi Fire Service (DFS) [transferred from the Municipal Corporation of Delhi to the Government of N.C.T. of Delhi in 1995] earlier in the pay-scale of Rs.3050-4590/- were granted first financial upgradation under the ACP Scheme in the pay-scale of Rs.3200-4900/- w.e.f. 09.08.1999. Dissatisfied, they claim that their pay-scale should have been Rs.4000-6000/- on the said first financial upgradation. In this backdrop, the applicants, through the instant OA, seek direction to the respondents not only to grant them the desired pay-scale, but also undertake the exercise of review of the cadre of workshop employees of the DFS, as per the DoP&T's OM No.2/1/87-PP dated 23.11.1987 (Annexure A-1 with Rejoinder), which envisages periodicity of five years for cadre review exercise.

2. We have heard the learned counsel for the parties, perused the pleadings as well as the rulings cited at the Bar, and given our thoughtful consideration to the matter.

3. The contention on behalf of the applicants is that they deserved the pay-scale of Rs.4000-6000/- on first financial upgradation under the ACPS on parity with their counterparts working in MCD, DTC, PWD, ITDC and CPWD.

4. Per contra, the contention on behalf of the respondents is that the applicants were rightly granted the first financial upgradation under the ACPS in the pay-scale of Rs.3200-4900/-, the same being the next higher pay-scale and that the posts held by the applicants are ex-cadre posts, not part of any hierarchy.

5. Paragraph 7 of the ACPS provides, *inter alia*, as under:

"Financial upgradation under the Scheme shall be given to the next higher grade in accordance with the existing hierarchy in a cadre/category of posts without creating new posts for the purpose. However, in case of isolated posts, in the absence of defined hierarchical grades, financial upgradation shall be given by the Ministries/Departments concerned in the immediately next higher (standard/common) pay-scales."

6. In the light of the above, the applicants have no case as regards their claim of pay-scale of Rs.4000-6000/-. However, as regards cadre review, the respondents seem to have shown laxity. Therefore, the respondents are hereby directed to

undertake the exercise of cadre review and complete it within six months from the date of receipt of a copy of this Order.

7. The OA is partly allowed accordingly. No costs.

(Dr. B.A. Agrawal)
Member (J)

(P.K. Basu)
Member (A)

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