

**Central Administrative Tribunal  
Principal Bench**

**OA No.1218/2013  
with  
OA No.3690/2013  
MA No.2788/2013**

New Delhi, this the 24<sup>th</sup> day of October, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mr. Pradeep Kumar, Member (A)**

**1. OA No.1218/2013**

Shri S. P. Tripathi  
Dy. SP (FP)  
Type IV,  
442, Sector-IV,  
R. K. Puram,  
New Delhi.

... Applicant.

(By Advocate : Shri Padma Kumar S.)

Vs.

1. Union of India through  
Secretary  
Ministry of Home Affairs,  
North Block,  
New Delhi-1.
2. Director  
Central Bureau of Investigation  
CGO Complex,  
Lodhi Road,  
New Delhi.
3. Director General  
National Crime Records Bureau  
East Block 7, R. K. Puram,  
New Delhi-66.
4. Secretary  
DoP&T  
North Block,  
New Delhi-1.

5. Secretary  
Department of Expenditure  
Ministry of Finance  
South Block,  
New Delhi-11. .... Respondents.

(By Advocate : Shri Amit Sinha and Shri K. M. Singh)

**2. OA No.3690/2013 with MA No.2788/2013**

1. Shri Arup Kumar Pal  
Kali Tala Lane, Fatakgora  
Chandan Nagar  
Distt. Hooghly,  
West Bengal 712136.
2. Biswajit Roy  
686 Sector IV, R. K. Puram,  
New Delhi 110 022.
3. Sadhanananda Mandal  
A-16/F (Top Floor),  
DDA Flat,  
Munirka, New Delhi 110 067.
4. Suhas Mitra  
23/11A, Pranabananda Road,  
Kolkotta-84.
5. Manotosh Sarkar  
C.K. Sen Road,  
Jananagari, Agarpara,  
Kolkotta-109. ... Applicants.

(By Advocate : Shri Padma Kumar S.)

Vs.

1. Union of India through  
Secretary  
Department of Expenditure  
Ministry of Finance,  
North Block,  
New Delhi-11.

2. Secretary  
Ministry of Home Affairs,  
North Block,  
New Delhi-1.
  3. Director  
Central Bureau of Investigation  
CGO Complex,  
Lodhi Road,  
New Delhi.
  4. Director General  
National Crime Records Bureau  
East Block 7, R. K. Puram,  
New Delhi-66.
  5. Secretary  
DoP&T  
North Block,  
New Delhi-1.
- .... Respondents.

(By Advocate : Shri Hanu Bhaskar)

**: O R D E R (ORAL) :**

**Justice L. Narasimha Reddy:**

Since both these OAs are identical in nature, they are disposed of through a common order.

2. In these OAs, the applicants challenged the office order dated 30.08.2018, which pertains to the grant of pay scale of DSP (Rs.8000-13400) from the due date of promotion.
3. The applicants contend that initially they joined the Central Bureau of Investigation, and on its bifurcation they became the employees of National Crime Records Bureau, and though their counterparts in the CBI are drawing a particular pay scale, they have been denied the said benefit.

4. The OAs were argued at some length on 09.08.2016. It was noticed that Ernakulam Bench of this Tribunal dealt with this very issue in OA No.596/2013 and through its order dated 17.11.2015, granted the relief as prayed for. It was also stated that the judgment in the said OA was challenged in a Writ Petition bearing OP(CAT) No.167/2016 (Z) before the Kerala High Court, and on 16.06.2016, the order in the OA was stayed by the High Court. Taking note of these facts, the OAs were adjourned *sine die*.

5. We have taken up the matters since the OAs are very old and on the file of the Tribunal.

6. It is not in dispute that the applicants herein stand on the same footing as those in OA No.596/2013 on the file of Ernakulam Bench of CAT. Therefore, they are entitled to be granted the same relief. It is different matter that the reliefs so granted would be subject to the outcome of the writ petition which is now pending in the Kerala High Court.

7. We, therefore, allow the OAs, as prayed for, in terms of the order passed in OA No.596/2013 on the file of Ernakulam Bench of CAT. However, the relief so granted need not be extended to the applicants immediately, and their actual entitlement would depend upon the outcome of

the OP (CAT) No.167/2016 pending in the Kerala High Court. There shall be no order as to costs.

All ancillary applications stand disposed of.

**(Pradeep Kumar)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

/pj/