

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

OA NO.2049/2018

New Delhi this the 23rd day of May, 2018

**HON'BLE MRS. JASMINE AHMED, MEMBER (J)
HON'BLE MS. PRAVEEN MAHAJAN, MEMBER (A)**

Rajesh Kumar Jaryal,
S/o Shri Jagat Singh,
Aged about 51 years,
Working as Private Secretary
(Group-B),
Under Chief Commissioner for Persons
with Disabilities(Divyangjan),
Sarojini House, 6, Bhagwan Dass Road,
New Delhi-110 001. ...Applicant

(By advocate: Mr. Manjeet Singh Reen)

Versus

Union of India & Others: Through

1. The Secretary,
Department of Empowerment of
Persons with Disabilities(Divyangjan),
Ministry of Social Justice & Empowerment,
5th Floor, Pt. Deendayal Antyodaya
Bhawan, CGO Complex, Lodhi Road,
New Delhi-110 003.
2. The Chief Commissioner for Persons
With Disabilities(Divyangjan),
Sarojini House,
6, Bhagwan Dass Road,
New Delhi-110 001.
3. The Secretary,
Ministry of Finance,
Department of Expenditure,
Room No.129-A, North Block,
New Delhi.
4. The Secretary,
Department of Personnel and

Training (DOP&T), Room No.112,
North Block, New Delhi-110001. ...Respondents

(By advocate: Mr. Gyanendra Singh with Mr. Kuldeep Sharma)

ORDER (ORAL)

HON'BLE MRS. JASMINE AHMED, MEMBER (J):

The applicant who is working as Private Secretary under the respondent Persons with Disabilities (Divyangjan), filed the instant OA seeking the following reliefs:-

- “8.1 That this Hon’ble Tribunal may graciously be pleased to allow this original application set-aside the impugned orders dated 06.09.2017, 19.9.2017, 12.12.2017 & 20.12.2017 with all consequential benefits.
- 8.2 that this Hon’ble Tribunal may graciously be pleased to declare the action of respondents in reducing the pay scale of applicant from Rs.9300-34800 + Grade Pay of Rs.4800/- to Rs.9300-34800 with Grade Pay of Rs.4600/- as illegal, arbitrary and unconstitutional and direct the respondents to restore back the pay scale of Rs.9300-34800 with grade pay of Rs.4800/- to the applicant w.e.f. 27.02.2006 (1st Deputation period), w.e.f. 30.12.2011 (2nd Deputation period) and grant Grade Pay of Rs.5400/- after completion of 04 year service on 21.3.2017 with all arrears of pay and interest @ 18% per annum.
- 8.3 That this Hon’ble Tribunal may graciously be pleased to directing the respondents to produce all relevant records before this Hon’ble Tribunal in the interest of justice.
- 8.5. That any other or further relief which this Hon’ble Tribunal may be deem fit and proper under the circumstances of the case may also be granted in favour of the applicant.
- 8.6 That the cost of the proceedings may also be awarded in the favour of the applicant.”

2. When the matter was taken up for hearing, learned counsel for the parties submitted that in the identical circumstances, the OA No.060/01044/2014 with OA No.060/00018/2015 was allowed and the Writ Petition (Civil) No.3430 and 3932 of 2017 against the said orders before the Hon'ble High Court of Punjab and Haryana was also dismissed on 11.12.2017 wherein it was categorically mentioned that the decision of the Tribunal was based on the judgment of Hon'ble High Court of Madras in WP(C) No.13225/2010 in **M. Subramaniam Vs. Union of India & others**, which was upheld by the Hon'ble Apex Court in Civil Appeal No.8883/2011 dated 10.10.2017.

3. In the circumstances and in view of the admitted position with regard to the claim of the applicant, the instant OA is also disposed of in terms of the above referred decisions. Accordingly, the impugned orders dated 6.9.2017, 19.9.2017, 12.12.2017 and 20.12.2017 are quashed. The respondents shall complete the exercise in regard to the prayers made within three months from the date of receipt of a certified copy of this order.

(Praveen Mahajan)
Member (A)

(Jasmine Ahmed)
Member (J)

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