

**Central Administrative Tribunal
Principal Bench**

OA No.3301/2013

New Delhi, this the 16th day of July, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Nita Chowdhury, Member (A)**

1. Khalid Qureshi
Aged about 65 years
S/o Late A.S. Qureshi
R/o Flat No.108-A, Pocket A
DDA Flats, Sukhdewo Vihar
New Delhi.
2. Suraiya Begum, W/o Fida Mohammed(Original Applicant)
3. Tausif Ahmed, S/o Fida Mohammed
4. Monis Ahmed, S/o Fida Mohammed
5. Saima Begum, D/o Fida Mohammed
6. Uzma Begum, D/o Fida Mohammed
7. Areeba Begum, D/o Fida Mohammed

Applicants No. 2-7 are R/o H.No.5424
Kucha Rahmam, Chandni Chowk
Delhi-110006.

..Applicants

(By Advocate: Shri Rajendra Roy)

Vs.

1. Union of India through
Secretary, M/o Information
And Broadcasting, Shastri Bhawan
New Delhi-1
2. Secretary, Department of Personnel
& Training, North Block, New Delhi-1

3. Secretary, Union Public Service Commission
Dholpur House, Shahjahan Road
New Delhi-1
4. Dharnilal Mishra
Director, DDK, New Delhi
5. Mamta Verma, Director(M&C)
PIC, New Delhi.
6. R.K. Jha, Director
DPD, New Delhi. ...Respondents

(By Advocate: Dr. Shamsuddin Khan)

ORDER (ORAL)

Justice L. Narasimha Reddy :-

The applicants joined the Indian Information Service(IIS) in the years 1991 and 1992 and were granted Senior Time Scale w.e.f. 10.07.2002 and 16.06.2004 respectively. In the department, there is a scheme known as NFU, i.e., Non Functional Upgradation which is granted to an officer who has not been promoted for a certain length of time. The first applicant retired from service on 30.04.2007 and the second respondent retired on 31.10.2007 (the second applicant died on 07.10.2016, and her legal representatives are brought on record). Both of them claimed benefit of NFU.

2. On a consideration of the representation of the applicants, the appointing authority issued reply dated 29.05.2012 stating that according to IIS Group 'A' Rules, as amended from time to time, the benefit of NFU in JAG can be extended only to such officers who have rendered five years of regular service in the Senior Grade of IIS, Group 'A' and that since the applicants fall short of that service, they are not entitled to the benefit. The said communication is challenged in this OA.

3. It is stated that the view taken by the appointing authority cannot be countenanced and the applicants are entitled to count full length of their service in Group 'A' in IIS.

4. The respondents filed a counter affidavit opposing the application by referring to relevant rules. It is stated that only the officers in the Senior Time Scale of Group 'A' of IAS are entitled for the benefit of NFU and since the applicants do not comply with that condition, they cannot be extended that benefit.

5. Much effort is made by the learned counsel for the applicant to convince us by referring to various memos

and orders that are issued in respect of Indian Administrative Service. Though he intended to draw parity with Indian Administrative Service, on the basis of rules, we are not inclined to accept that. The reason is that separate set of rules and procedure exists in respect of the officers of IIS. In the impugned order, it was clearly mentioned in categorical terms that only such of the officers who have put in five years of regular service in the Senior Time Scale in Group 'A' are entitled for the benefit. The applicants are not able to demonstrate that there exists any other set of rules than this. We are not inclined to grant any relief to the applicants.

6. The OA is accordingly dismissed. There shall be no order as to costs.

(Nita Chowdhury)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

/vb/