

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

ORIGINAL APPLICATION NO. 170/001687/2015

DATED THIS THE 01<sup>ST</sup> DAY OF AUGUST, 2017

HON'BLE SHRI JUSTICE HARUN-UL-RASHID...MEMBER (J)  
HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

R. Thanabalan,  
S/o Late Shri N. Ramasamyraj,  
Working as Personal Secretary, in  
ISTRAC/ISRO, Flat No. 12 & 13,  
3<sup>rd</sup> Main, 2<sup>nd</sup> Phase,  
Peenya Industrial Area,  
Bangalore – 560 058.

... Applicant

(By Advocate M/s A Gopi Prakash & Associates)

Vs.

1. The Union of India,  
Represented by its Secretary  
to the Government,  
Department of Space/Chairman,ISRO,  
Anthariksha Bhavan,  
New BEL Road,  
Bangalore – 560 231.

2. The Chairman,  
Grievance Committee,  
ISTRAC/ISRO,  
Bangalore – 560 058.

3. The Joint Secretary to the Government,  
Department of Space (DOS),  
Anthariksha Bhavan,  
New BEL Road,  
Bangalore – 560 231.

4. Deputy/Under Secretary to the Government,  
Department of Space (DOS),  
Anthariksha Bhavan,  
New BEL Road,  
Bangalore – 560 231.

5. The Director,  
ISRO Telemetry Tracking and Command  
ISTRAC/ISRO, Flat No. 12 & 13,  
3<sup>rd</sup> Main, 2<sup>nd</sup> Phase,  
Peenya Industrial Area,  
Bangalore – 560 058.

6. The Senior Administrative Officer,  
ISRO Telemetry Tracking and Command  
ISTRAC/ISRO, Flat No. 12 & 13,  
3<sup>rd</sup> Main, 2<sup>nd</sup> Phase,  
Peenya Industrial Area,  
Bangalore – 560 058.

...Respondents

(By Smt. P.K. Praneshwari, Senior Panel Counsel)

ORDER (ORAL)

HON'BLE PRASANNA KUMAR PRADHAN, MEMBER (A):

The applicant has filed the present OA seeking the following reliefs:

- i. To quash the office memorandum ISTRAC/P&GA/TR-10167 dated 16-07-2015 passed by the 6<sup>th</sup> respondent Annexure-A16.
- ii. Direct the respondents to consider the representation of the applicant dated 13.03.2015 Annexure-A15 and pass appropriate order accordingly,

2. The applicant submits that he joined the Indian Space Research Organization as Junior Stenographer on 03.08.1984. He was transferred from ISTRAC to Department of Space, Bangalore on working arrangement basis in the same capacity with effect from 30.12.2005. He was relieved with effect from 04.01.2006 and reported to DOS, Bangalore in place of Shri Murali who was transferred to ISTRAC, Bangalore on a similar arrangement (Annexure-A2 and A3). Following his deputation to Department of Space, Bangalore on working arrangement basis, he worked sincerely with satisfaction of the superiors. However he faced lot of problems and all the time he had to make

representation through proper channel for getting basic facilities like increments, medical bills claim, promotion, CEA, LTC, any other advance for personal commitment etc. Therefore he made a representation on 05.06.2009 requesting the 3<sup>rd</sup> and 4<sup>th</sup> respondents to transfer him back to parent department so that it will be easy for him to claim benefits timely. The 2<sup>nd</sup> respondent forwarded his representation within the framework of the rules of the department (Annexure-A4). However he continued to work in DOS. On 07.12.2012 the applicant submitted a representation with a request to extend upgradation of his scale from Rs.5500-9000 to Rs.6500-10500 as allowed to all the service staff of DOS from the date of joining and also for granting 1<sup>st</sup> and 2<sup>nd</sup> MACP in promotional hierarchy post in Grade Pay of Rs.6600 and Rs.7600 respectively by way of upgrading the post of Personal Assistant. But the said formula was not extended to similarly situated employees in ISRO. Hence the applicant submitted further request to 4<sup>th</sup> respondent (Annexure-A5 and A6). The 6<sup>th</sup> respondent forwarded his representation to Additional Secretary, DOS (Annexure-A7). However rather than considering his case, the applicant was transferred back to the original place in parental department with effect from 05.02.2013 (Annexure-A8).

3. The applicant submits that after transfer from DOS back to ISTRAC, Bangalore, he approached the Chairman, Grievances Committee ISTRAC/ISRO, Bangalore once again requesting to extend the upgradation of pay of Rs.5500-9000 to Rs.6500-10500 at par with PPS in DOS by explaining the service conditions, benefits etc. However the Grievances Committee without considering the matter properly came to a conclusion that the claim of the applicant involves policy matter and is outside the purview of the

committee. Hence the applicant was asked to approach 3<sup>rd</sup> respondent for redressal of the issue. Thereafter the applicant made further representation on 19.07.2013 on the same issue of upgradation of payscale to the 1<sup>st</sup> respondent. Thereafter the 6<sup>th</sup> respondent with the consent of the 1<sup>st</sup> respondent and quoting DoPT OM dated 29.05.2006 stated that the said upgradation is extended only to Assistants and Personal Assistants in Department of Space Secretariat and not to persons working in ISRO Centres and Units (Annexure-A11 and A12). The applicant further submits that he had worked for more than 7 ½ years in DOS continuously without break and hence should be considered as DOS employee and extended all benefits like MACP, Promotions etc. that was extended to DOS staff. Accordingly he made further representation dated 28.01.2015, but the same was rejected (Annexure-A13 and A14). Again the applicant approached the 2<sup>nd</sup> respondent on 13.03.2015 by citing various examples and details (Annexure-A15) but the 6<sup>th</sup> respondent passed an Office Memorandum dated 16.07.2015 rejecting the prayer of the applicant. Hence the present OA.

4. The applicant further submits that since the applicant had worked in DOS upto 2013 without any increment, promotion or other facilities such as 1<sup>st</sup> and 2<sup>nd</sup> MACP promotion in the hierarchical post, he ought to get benefit available to DOS employees. The respondents without application of mind simply issued a Office Memorandum rejecting his case. The transfer of the applicant from ISTRAC to DOS is not according to law or not according to service rules and the transfer system such as working arrangement is not available in both ISTRAC and Department of Space. Therefore the order

passed by the respondents dated 16.07.2015 rejecting the prayer of the applicant is liable to be set aside.

5. The respondents have filed a reply statement in which they have submitted that the Indian Space Research Organization (ISRO) under the Department of Space (DOS) is a premier organization engaged in research and development in space science, space technology and space applications for the socio-economic development of the country. The ISRO Telemetry, Tracking and Command Network (ISTRAC) has headquarters in Bangalore and a multi-mission spacecraft control centre. It has a network of ground stations at Bangalore, Lucknow, Sriharikota, Port Blair and Thiruvananthapuram besides some centres outside the country. The applicant joined the ISRO as Junior Stenographer and was posted at Satish Dhawan Space Centre, Sriharikota. The career progression of the applicant in ISRO is as follows:

<b>Sl. No.</b>	<b>Designation</b>	<b>With effect from</b>	<b>Mode of progression</b>	<b>Scale of Pay</b>
1.	Jr. Stenographer	09/08/1984	Initial Appointment	330-10-380-EB-12-500-EB-15-560
2.	Stenographer	01/01/1988	Promotion	1400-40-1800-EB-50-2300
3.	Pers. Asst-A	17/05/1991	Promotion	1640-60-2600-EB-75-2900
4.	Pers. Asst-C	31/07/2003	Promotion	6500-200-10500
5.	Personal Secretary	01/01/2010	Placement (NFSG)	15600-39100 GP : 5400/-

6. The applicant was transferred from SHAR centre to ISTRAC, Bangalore on 17.05.1985. During his tenure at ISTRAC, he was transferred to Internal Audit Wing of Department of Space on 30.05.2005 on working arrangement basis in the same capacity and he worked there upto

05.03.2013. In the entire period, he continued to remain in the rolls of ISTRAC and his promotions, increments and personal claims such as medical bills, Child Education Allowance, Leave Travel Concession and loans and advances etc. were continued to be drawn from ISTRAC. The applicant submitted a series of representation to the department as well as ISTRAC praying to consider his posting to DOS as transfer on deputation basis and hence claim for deputation allowance, upgradation of his scale of pay from Rs.5500-9000 to Rs.6500-10500 and for grant of ACP/MACP benefits on par with the employees of DOS Secretariat. All his representations were disposed of on time with justifications as to why his claims cannot be acceded to.

7. The respondents further submit that on transfer from one establishment under DOS to another on working arrangement basis and in public interest, the employees cannot claim any additional benefits during such transfers and postings. The transfer is not on deputation and all his pay, allowances and other benefits were granted from ISTRAC and he continued to be in the rolls of ISTRAC to which he never objected at any point of time. The applicant has been provided with suitable increments and promotion during the period he was working at DOS and was treated at par with other employees of ISTRAC. He was governed by rules and regulations as applicable to all similarly placed officials in ISTRAC and no discrimination has been meted out to him. As regards his prayer for grant of MACP benefits, the Government of India vide OM dated 25.09.2006 revised the scale of pay of Assistants and Personal Assistants of Central Secretariat Service/Central Secretariat Stenographers Service from Rs.5500-9000 to Rs.6500-10500 with effect from 15.09.2006. The DOS Secretariat has always adopted the pattern of CSS/CSSS in all

respects and hence the above OM was implemented in DOS alone for Assistants and Personal Assistants in DOS. However the applicant was working in DOS Secretariat on working arrangement basis and not on regular basis. Hence he cannot be granted any benefit on par with Assistants/Personal Assistants in DOS Secretariat. He is entitled to benefits admissible to persons working in field centres. The promotions are effected in ISTRAC within the sanctioned strength and based on vacancy of ISTRAC. The applicant refers to the post sanctioned at DOS which is exclusively for employees working in DOS and hence his claim for the post which does not exist in ISTRAC is against the norms and not tenable.

8. The applicant has filed a rejoinder in which, while reiterating many of the submissions already made in the OA, he submits that he was a senior most employee in the Personal Secretary post from 31.07.2003 onwards but was not considered for Principal Private Secretary (PPS) post. There is no difference between ISRO and DOS as they are within the same department and hence there should not be any discrimination in the scale, promotion etc. in terms of the Hon'ble Apex Court judgment in Union of India & Others Vs. AIR & DD Technical Employees Association & Another in Civil Appeal No. 33048/2011. There is no terms and conditions as to how working arrangement system could work. Interchangeability in the secretarial staff of ISRO and DOS was in existence from 28.05.2004 to 30.06.2010. There is no rule that applicant cannot claim benefits of DOS employees when he works at DOS on working arrangement in public interest for more than 7 years. Moreover the applicant was drawing TA advance from DOS for various tours

while working at the Internal Audit Wing. Therefore the applicant ought to have been given benefits applicable to the DOS employees.

9. The respondents have filed an additional reply statement in which they have submitted that the promotions of persons working in DOS are covered by the Recruitment Rules of DOS which are published in the Gazette of India whereas the promotion of persons working in ISRO establishments are regulated based on promotion norms issued from time to time. The career progression of DOS personnel is limited to Department Secretariat only. There is no substance in the contention of the applicant that two of his juniors have been promoted to the post of Principal Private Secretary. The applicant is employee of ISTRAC, Bangalore and his parent cadre office is ISTRAC only. He is holding the post of Personal Secretary and the senior-most as per the seniority list published at ISTRAC for Personal Secretaries, whereas the two candidates who got promoted to Principal Private Secretary were holding the post of Senior Personal Secretary and are senior-most as per the seniority list of ISRO Headquarters. Every DOS/ISRO centres have their own equation based on sanctioned strength in the cadre. The applicant's contention that he is eligible for the post of PPS is factually incorrect as he had not completed the prescribed residency period. They also further reiterated that applicant, though posted and working in DOS on working arrangement basis, continued to remain in the rolls of ISTRAC and hence cannot be considered against the post earmarked for the personnel of DOS Secretariat. There is also no basis for deputation allowance as his posting was on working arrangement basis and he continued to be on the rolls of ISTRAC and was paid salary by them.

10. The applicant has filed additional rejoinder practically reiterating the points already made in the OA and the earlier rejoinder.

11. We have heard the learned counsel for the parties. The learned counsel for the applicant, while reiterating the submissions made in the OA and the rejoinder, submits that the applicant worked in DOS for nearly 8 years and hence he is entitled to be considered at par with the employees working at DOS. Since the employees of DOS and the ISRO have been performing same functions, the applicant who was working all along at DOS should get the benefits entitled to the DOS employees for upgradation of scale, ACP/MACP etc. There is no rules to prevent the respondents for considering the benefits entitled to the DOS employees to applicant when he worked in that organization for nearly 8 years. Therefore he is entitled to the reliefs sought for.

12. The learned counsel for the respondents referring to the reply and additional reply, submitted that the applicant was transferred to Department of Space only on a working arrangement basis. For all the period he worked in DOS, he was in the roll of ISTRAC and continued to draw salary from them besides other allowances also. Since he was in the parent cadre of ISTRAC, he was granted all the benefits admissible to the employees working in ISTRAC. Only because he was working in DOS on a working arrangement basis for a certain period, he cannot claim benefits that are exclusively allowed to DOS employees and not other organizations under DOS. Even though the applicant worked on working arrangement basis from 2005 onwards, he never raised the issue of deputation allowance till he was repatriated back to parent organization. His claim for upgradation of scale on

par with DOS employees is not tenable and hence disallowed by the respondents. There is absolutely no merit in the contention made by the applicant.

13. We have carefully considered the facts of the case and submissions made by either side. From the records and the pleadings, it is evident that the applicant who joined the ISRO in August, 1984 at Sriharikota was transferred to ISTRAC, in Bangalore and continued to work there till he was transferred on working arrangement in the same capacity to Internal Audit Wing of DOS in December, 2005. In 2009, he submitted representation saying that he finds it difficult in getting salary, other allowances etc. from ISTRAC and want to revert back to parent organization. However he was allowed to continue till March, 2013. In 2012, the applicant sought for upgradation of his payscale at par with the DOS employees. He first approached the grievance committee and then the respondents for redressal of grievances. However the same was turned down by the respondents vide letter dated 16.07.2015 which is under challenge in the present OA.

14. From the records, it is quite clear that the service condition of Department of Space and ISRO and various organization under it are different and guided by different rules. The applicant was a regular employee of ISTRAC all along since May, 1985. Even for the period in which he went to DOS on working arrangement basis, he continued to remain in the rolls of ISTRAC and got his promotion, increments and other benefits from ISTRAC only. The applicant has mentioned about TA drawn from DOS. Since he had to undergo tours, Travelling Allowance was paid by the DOS but the Travelling Allowance cannot be said as part of the normal pay and allowances

admissible to employees. The respondents had given the details of the career progression of the applicant in the reply statement which shows that after his promotion as Personal Assistant-C with effect from 31.07.2003 he became Personal Secretary on NFSG basis from 01.01.2010. All the promotions right from Junior Stenographer to Personal Secretary had been granted to the applicant by ISTRAC from different dates as per his eligibility and entitlement. The applicant was under the rolls of ISTRAC all along. Because he was sent to Department of Space on a working arrangement basis for a specific period it would not entitle him to get benefits available to the employees of Department of Space. On the issue of deputation allowance, the applicant never raised this issue till his repatriation back to ISTRAC. In 2009, he wanted repatriation only saying that he finds it time consuming to get benefits from ISTRAC, Bangalore but did not raise the issue of deputation allowance. If he felt that he is entitled to it, he should have raised this issue immediately after reporting to DOS.

15. We find that the claim of the applicant for deputation allowance for the period during which he worked in DOS and the benefit of payscale available to the employees of DOS only because he was in DOS for certain period is not tenable because he was under the cadre of ISTRAC all along and got his promotion, salary and other allowances etc. only from ISTRAC. We have gone through the order dated 16.07.2015 wherein the claim of grant of deputation allowance and also upgradation of payscale on par with the employees working in DOS Secretariat was rejected by the respondents. The grounds on which the applicant's request was rejected by respondents appears to us as proper and justified. The applicant is not entitled to the

benefits claimed by him in view of the fact that he was in the cadre of ISTRAC and worked in DOS on working arrangement basis.

16. On detailed consideration of facts and circumstances of the case, we hold that the OA is completely devoid of merit and is liable to be dismissed. The OA is accordingly dismissed. No order as to costs.

(P.K. PRADHAN)  
MEMBER (A)

(JUSTICE HARUN-UL-RASHID)  
MEMBER (J)

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