

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**OA No. 588/2019
MA No. 682/2019**

New Delhi, this the 28th day of February, 2019

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

1. Padmakar Dutt Sharma, Age 75 yrs.,
S/o Diwakar Dutt Sharma, Group-A,
Scientific Officer – “E” (Retd.) DAE pensioner,
R/o H.No. 101, Tower-12, Parsvnath Regalia,
Plot No. 149, GT Road, Sahibabad -201005,
Delhi NCR.
PPO No. : 462959810039
2. K.V. Jagadish, Age 64 yrs.
S/o K. Venkobasa, Group-A
Scientist – D (Retd.), (ADE-DRDO)
R/o 24, 8th Cross, Prashanthanagar,
Bangalore – 560079
PPO.: C/MISC/10582/96
3. Maheshwar Dayal Mathur Age 73 yrs.
S/o R.D. Mathur Group-A
Scientific Officer – E (Retd.)BARC – DAE,
R/o 304, Gurunanak Estate, Station Road,
Kota – 324002
PPO No.: 462959909090
4. Krishnaji Kulgod, 77 yrs.,
S/o Bhimaji Group-A
DGM (Retd.), Department of Telecom,
R/o Flat No. 512, Esteem Classic Apartments 25/2,
Rajaji Nagar Indust. Sub, 1st Stage,
Bangalore-560022.

PPO No.: DOTCELL/VR/HBL/70

5. S.G. Vittal, 87 yrs,
S/o S. Govinda Rao, Group-A
Director (Retd.) Department of Telecom,
R/o No. 84, 3rd Main, Dattatreyanagar, Hosakerehalli,
BSK 3rd Stage, Bangalore-560085.
PPO No.: TAC/720-1564/SP/1073
6. K.R. Lakshmana Murthy, 68 yrs,
S/o K. Ramasubba Sastry, Group-A
Scientist –D (Retd.) (ADE, DRDO, Min. of Defence),
R/o 104, 4th Main, 2nd Stage, Mico Layout,
Arakere, Bangaluru-560076
PPO No.: 409199700083
7. K.S. Prakash Murthy, Age 65 Yrs.
S/o K.S.N. Murthy, Group-A
Scientist D (Retd.) DRDO,
R/o D-705, Mantri Tranquil Gubbalala,
Bangalore-560061
PPO No.: C/MISC/10055/96
8. B.R. Shankar Rao, age 82 yrs.
S/o B. Ramachandra Rao,
Dy. General Manager (Retd.), BSNL,
R/o 991, 1E, Main Road, Girinagar,
2nd Phase, Bangalore-560085 Group-A
PPO No.: 691/TCA/BGM/SM/94-95 dated 14.06.94
9. M.G.N. Moorthy, Age 83 Yrs.
S/o M. Gopala Sastry, Group-A
Dy. General Manager (Retd.) Department of Telecom,
R/o 77, 12th Main Road, BSK II Stage,
Bangalore-560070
PPO No.: TAC/720-1900/SP/1287
10. Krishna Rambhat Siddheshwar, Age 82 yrs.

S/o R.T. Siddheshwar, Group-A
Director (Retd.) Department of Telecom,
R/o 195, 17th main 7th Cross, G Block,
Sahakarnagar, Bangalore-560092
PPO No.: TAC/720-2064/SP/1414

11. H. Achutha Age 80 yrs.
S/o H. Gopala Rao, Group-A
Scientist-D(Retd.), ADE, Bangaluru,
R/o No. 983, Gopal, Service Road,
R.P.C. layout, Bangaluru-104
PPO No.: 409199800522
12. V.G. Uppin Age 77 yrs
S/o G.B. Uppin, Group-A
Scientist-D(Retd.), ADE, Bangaluru,
R/o 32, NHCS Layout, Cauvery Nagar,
Magadi Road, Bengaluru-560079
PPO No.: 409200100578
13. SubbaRao R.S. Age 78 yrs.
S/o Late R. Shankara Rao, Group-A
Scientist-D(Retd.) ADE-DRDO,
R/o 878, 19th Main, 14th Cross,
Banashankara 2nd Stage, Bangalore-560070
PPO No.: C/MISC/018431/1999
14. Divakar T.S. Age 83 yrs.
S/o Shamanna, Group-A
Scientist-D (Retd.) ADE-DRDO,
R/o No.713, HAL, IIInd Stage, 8th Main,
Bangalore-560008
PPO No.: C/952/1995
15. N.V. Gopalakrishnan Age 77 yrs.
S/o N.R.V. Iyer, Group-A
Scientist-D(Retd.)ADE, Min. of Defence,
R/o "Gokul" No.13, 3rd Cross,

Jaya Bharath Nagar, Bangalore-560033
PPO No.: C/MISC/17793/2000

16. Madhav Vishwanth Damle, 80 yrs,
S/o Vishwanath K. Damle, Group-A
Scientific Officer “E” (Retd.) DAE
R/o A-73, Gitanjali, Sector-17,
Plot No. 52, Vashi Navi Mumbai-400703
PPO No.: 456859804287
17. Kodial Kishor Shankar Rao Age 75 Yrs.
S/o Kodial Shankar Reghunath Rao, Group-A
Scientific Officer –E(Retd.) BARC,
R/o E/1, Saraswath CHS (Colony),
Gamdevi, Grant Road, (W), Mumbai-400007
PPO No.: 456850301006
18. Raghunath Shambhaurao Nargundkar Age 79 Yrs.
S/o Shambhaurao Gurunath Nargundkar, Group-A
Scinetific Officer –E(Retd.) BARC,
R/o 2, Satsang CHS, Plot No.32, Sector-9A,
Vashi, Navi Mumbai-400703
PPO No.:456859801723
19. Raj Kumar Gupta, Age 78 yrs.
S/o Sarda Prasad Gupta, Group-A
Scientific Officer-E(Retd.) DAE,
R/o 701, Sterling Apartment, Deonar Farm Road,
Chembur, Mumbai-4100088
PPo No.: 456859902046
20. Gururaj Padamanabha Rao Age 70 Yrs.
S/o K. Padmanabha Rao, Group-A
Scientific Officer-E (Retd.) DAE,
R/o B-104, Nandanvan CHS Ltd.,
Deonar Farm Road, Chembur, Mumbai-400088
PPO No.: 462959822694

21. Smt. Jane Gururaj, Age 69 yrs.
D/o Raymond Coelho, Group-A
Scientific Officer-E (Retd.) DAE,
R/o B-104, Nandanvan CHS Ltd.
Deonar Farm Road, Chembur,
Mumbai-400088
PPO No.: 462959812093
22. M.S. Kshattriya Age 70 yrs.
S/o D.S. Kshattriya, Group-A
Scientific Officer-E (Retd.) BARC,
R/o 102A Navsheetal, Bamanwada,
J.C. Road, Vile Parlie (E), Mumbai-99
PPO No.: 456850803500
23. A. Sethumadhavan Age 79 yrs.
S/o Chakrapani Warrier, Group-A
Scientific Officer-E (Retd.) BARC,
R/o 207-C, Anand Nagar, Forjett Street,
Mumbai-400036
PPO No.: 456850001188
24. N. Raveendran Nair Age 74 yrs.
S/o Nanu Nair Group-A
Scientific Officer-E (Retd.) BARC,
R/o Flat No. 1, Cosmopolitan CHS, Plot No.48,
Sector-9A, Vashi, Navi Mumbai-400703
PPO No. 456850403010
25. Hareshram H. Oza, Age 74 yrs.
S/o Harsukhrem Oza, Group-A
Scientific Officer-E (Retd.) BARC,
R/o 704, Sigma Tower, Plot No.32,
Sigma Scientists Co-H.S.G. Ltd. Opp.
Suvidye School, Boriveli (W) Mumbai-400091
PPO No.: 456850402655
26. Ashok S. Kerkar, Age 74 yrs.

S/o Shriram R. Kerkar, Group-A
Scientific Officer-E (Retd.) BARC,
R/o 705/A, Chembur Abhay CHS Ltd.
Bldg. No. 81, Tilak Nagar, Chembur,
Mumbai-400058
PPO No. 456850403935

27. M.A. Sevak Age 72 yrs.
S/o Amrit Lal Sevak, Group-A
Scientific Officer-E (Retd.) BARC,
R/o 11, Madhav CHS, Shantaram Patil Lane,
119, J.P. Road, Andheri (W) Mumbai-400058
PPO No.:456850602514
28. Salil Dasgupta, Age 76 yrs.
S/o D.N. Das Gupta, Group-A
Scientific Officer-E (Retd.) BARC,
R/o B-17/101, Kendriya Vihar, Nerul,
Sector-38, Navi Mumbai-400706
PPO No. 456850104069
29. Sunil Kumar Goel Age 61 yrs.
S/o Ram Gopal, Group-A
Scientific Officer-E (Retd.) DAE,
R/o B-1303, Phoenix Heights, Sector-17,
Road Pali, Navi Mumbai-410218
PPO No.: 462959915938
30. K.K. Rajput, Age 73 yrs.
S/o Rikhi Ram, Group-A
Scientific Officer-E (Retd.) DAE,
R/o Flat No. 101, AH-4 Building, Sector-11,
Kendriya Vihar, Kharghar, Navi Mumbai-410210
PPO No.: 462959905186
31. Candid Victor Fernandes Age 74 yrs.
S/o J.M. Fernandes, Group-A
Scientific Officer-E (Retd.) BARC,

R/o A-303, Vastu Riddhi, Rajmata Jijabai Road,
Shree Vastu Enclave, Pump House,
Andheri(E), Mumbai-4000093
PPO.: 456850402523

32. Jagdish Sharma, Age 64 yrs.
S/o Shaligram Singh, Group-A
Scientific Officer (Retd.) BARC,
R/o Flat No. 103, Plot No. 12,
Jyoti Cooperative Housing Society,
Sector-21, Kharghar, Navi Mumbai-410210
PPO No.: 456851400670
33. Arun Narasimharao Pandit Age 73 yrs.
S/o Narasimharao Nagesh Pandit, Group-A
Scientific Officer (Retd.) BARC,
R/o Flat No. 8, Jai Bhawani Co-operative
Housing Society, Behind Padua High School,
Mankhurd, Mumbai-400088.
34. Ananth G. Desai, Age 74 yrs.
S/o Gundurao S. Desai, Group-A
Scientific Officer (Retd.) BARC,
R/o E-5/312, Gomti CHS, Sector-8B,
CBD Belapur, Navi Mumbai-400613
PPO No.: 456850402776
35. Dr. Govind R. Mahajan, 68 yrs.
S/o Raghunath, Group-A
Scientific Officer “E” (Retd.) DAE,
R/o 702, Kshitij, N.B. Patil Marg,
Chembur, Mumbai-400071
PPO No. 456851001503
36. S. Ramakrishnan Age 72 yrs.
S/o P.R. Subramanian, Group-A
Scientific Officer “E” (Retd.) DAE
R/o Flat No.B-17, Madhuban Co. Op. Hsg. Society,

L.J. Gupta Marg, Deonar, Mumbai-400088.

37. M. Murali Mohan, 67 yrs,
S/o M. Chandra Mouli, Group-A
Scientific Officer "E" (Retd.) DAE
R/o 24-60/13, Vishnupuri, Malkajgiri,
Hyderabad-500047, Telengana
PPO No.: 462959907241
38. V.K. Goverdhan Age 76 yrs.
S/o V. Kanakaiah, Group-A
Dy. CME/HQ (Retd.) South Central Railway,
R/o H.No. 32-77/13, (SR-40) Seetharam Nagar,
Near Safilguda Rly. Station, Hyderabad-500056
PPO No.: 20027090100039
39. P.K.S. Maian, Age 79 yrs.
S/o P.S. Krishnan, Group-A
Dy. GM (Retd.) Dept. of Telecom,
R/o 8A, Sowbagya Avenue, Kotturpuram,
Chennai-600085
PPO No.: TCMTD 82/97-98
40. J.B. Bhattacharjee Age 70 yrs.
S/o J. K. Bhattacharjee
Scientist – D (Retd.) ADE, Group – A
R/o Plot No. 102, 2nd Cross Street,
Shok Nandvanam Noombal, Thiruverkadu,
Chennai-600077
PPO No. : C/MISC/10996/91
41. M. V. Joga Rao, 88 yrs.
S/o M. Koneti Rao, Group – A
Director (Retd.) Geophysics-GSI,
R/o Flat No. 810-A, Active adult Retirement Homes,
Saket Pranam, Kapra Secundrabad – 500103
PPO No. 367948800232

42. M.A. Francis, 76 yrs.
S/o M. P. Allessu, Group – A
Scientific Officer – E (Retd.) DAE,
R/o Mampambil Lane, Rose Villa,
Kadavaram Road, Vadookara, Trichur, Kerala – 680007
PPO No. 456850200583

43. Mandarapu Adinarayana Rao, 66 yrs,
S/o Mandarapu Veeracharyulu
Scientist –D (Retd.) DRDO, Group – A
R/o D. No. 58-22-32/5, Susarla Colony,
Butchirajupalem, Gopalapatnam,
Visakhapatnam – 520027
PPO No. 409201100756

44. S. Narayanan, 70 Yrs,
S/o Sivaramakrishnan, Group – A,
Scientist – D (Retd.) DRDO,
R/o 2B, Block – A, Sree Dhanya Planet X,
Sreekariyam, Medical College post,
Thiruvananthapuram – 695011
PPO No. :409199300200

45. Dr. P.V. Satyaprasad, Age 76 yrs
S/o Venkateswaran, Group – A
Scientist – D (Retd.) Naval Dockyard, Visakhapatnam,
R/o 201, Concept Apartment, Dondaparthi,
Visakhapatnam – 530016
PPO No. : C/NAVY/16414/2002

46. Thomas Kurian Age 71 yrs.
S/o K. P. Thomas, Group – A
Scientific Officer – E (Retd.) BARC-DAE,
R/o Kovoor House, Chumathra P.O.,
Thiruvalla, Kerala – 689103
PPO NO.: 456850600996

47. Neelakandhan. K. N. Age 77 yrs.
S/o Kalady Narayanan Nambiar, Group – A,
Scientific Officer – E (Retd.) BARC,
R/o Kalady Pushpakam, Gandhi Nagar PO,
Chettupuzha, Thrissur -680012
PPO No. 456850103723

48. K. A. Mathew, Age 78 yrs.
S/o K.C. Mathew, Group – A
Scientific Officer – E (Retd.) BARC,
R/o 7B, Kunnil Heights, Kuzhivila, Karimanal P.O.,
Thiruvananthapuram – 695583
PPO No. : 45685000422

49. S. K. Balasubramanian Age 79 yrs.
S/o S. Krishnamurthy Group – A
Dy. General Manager (Retd.) Heavy Vehicles Factory, Avadi,
R/o SFA, Marutham Gateway, Sri Nagar,
Maruthamalai Main Road, P. N. Pudur, Coimbatore –
641041
PPO No. : 401199600460

50. K. Narayanan Kutty Age 71 yrs
S/o M. Narayana Menon, Group – A
Scientific Officer – E (Retd.) BARC-DAE,
R/o Puthenthara, Vaikom – 686141, Kerala
PPO No. : 456850703561

51. Jacob John, Age 68 yrs.
S/o John P. Jacob
Scientific Officer – E (Retd.) BARC – DAE,
R/o Mullenkuzhiyil House, Anjilithanam PO,
Kaviyur- 689582, Kerala, Group –A
PPO No. : 456850301039

52. T. S. Prabhavathi, Age 70 Yrs.
W/o B. S. Nagaraj
Scientist – D (Retd.) ADE, DRDO

R/o 16, 2nd Main, Tata Silk Farm, Basavanagudi,
Bangalore – 560004. Group – A
PPO No. C/MISC/26182/2007.

53. P.S. Shankaran, Age 68 yrs.
S/o P.R. Subramanian, Group – A,
Scientific Officer – E (Retd.), BARC-DAE,
R/o Flat No. e-1301, Runwal Center,
Govandi Station Road, Mumbai – 400085.
PPO No. : 456850901338
54. Subhash Babu Gottipati, Age 72 yrs.
S/o Suryanarayana G.
Scientist – D (Retd.) Group A
Naval Science and Technological Lab- DRDO,
R/o D. No. 58-16-52, Santhi Nagar, Nadkotha Road,
Visakhapatnam – 530029
PPO No. : C/COOR/MISC?32275/2009
55. Bonagiri Sankara Rao, Age 68 yrs,
S/o B. Sanyasi Rao, Group – A
Scientist – D (Retd.)
Naval Science and Technological Lab- DRDO,
R/o 4-147/9, Plot No. 79, Ajanta Park, R.R.V. Puram,
Visakhapatnam – 530029.
PPO No. C/MISC/16580/2009
56. M. R. Patnaik, Age 72 yrs,
S/o M. S. Rao Patnaik, Group – A,
Scientific Officer E (Retd.) DAE,
No. 1-140/1 (F1) Sai Prince Apartments,
Susarla Colony, Baji Junction,
Visakapatnam, 530027
PPO No. 462959803345
57. Shividatta Mayadass Wadhwa, Age 82 yrs,
S/o Mayadass Wadhwa, Group – A,
Scientific Officer E (Retd.) BARC,

No. E3/403, Highland park, Emerald CHSL, Chsl,
Bulund Colony, Bulund, Mumbai 400082
PPO No. : 456859602546

...Applicants

(By Advocate: Mr. G. Natarajin)

Versus

1. Union of India through the Secretary to the Govt. of India, Department of Pension and Pensioners' Welfare, Ministry of Personnel, Public Grievances and Pensions, Lok Nayak Bhawan, Khan Market, New Delhi – 110003.
2. The Secretary to the Government of India, Department of Expenditure, Ministry of Finance, North Block, New Delhi – 110001.

...Respondents

(By Advocate: Mr. C. Bheemanna)

O R D E R (ORAL)

Mohd. Jamshed, Member (A):-

MA No. 682/2019 has been filed by the applicants for joining together in one application. For the reasons stated therein, the same is allowed.

2. In the present OA, the applicants have sought the following relief:-

- (i) *Call for the records of the case.*
- (ii) *Direct the respondents to grant the applicant Revised Pay Scale of Rs. 30,900 – 39100/- with the existing grade pay of Rs. 7600/- w.e.f. 01.01.2006, thus maintaining the same ratio between S-21 and S-24 officers for more than three decades.*
- (iii) *Direct the respondents to consequently revise their pension/family pension in accordance with the (ii) above.*

3. This OA has been filed jointly by 57 applicants, who have all retired and have been drawing pensionary benefits as per the Central Civil Service (CCS) (Pension) Rules, 1972. All of them are in the age group of 64 to 83 years and retired many years back. These applicants have been holding the S-21 pay scale in PB-3.

4. It is stated in the OA that after the recommendation of the 6th CPC, the respondents accepted the demand of their counterparts in Armed Forces and placed them in S-24 grade in PB-4. However, the civilian counterparts, i.e., the applicants were not extended the same benefit. It is stated that this parity was maintained prior to 6th CPC for over three decades.

5. The applicants have also compared their pay scales and grade pay with similarly placed counterparts. Despite representations made by the applicants, for parity in pay scales, on various dates from 17.10.2017 to 30.11.2018, there has been no response from the respondents.

6. It is also submitted that all the applicants belong to scientific and technical cadres and their grievances are pertaining to the pay scales fixed for them after 6th Pay Commission, vis-a-vis other services, specially, Armed Forces.

7. The applicants have stated that the representation made by them to the Respondent No. 1 dated 17.10.2017 has not been responded to. Follow up representation dated 30.11.2018 to the Respondent No. 1, has also been preferred and the same has not yet been acknowledged. Thus, aggrieved by no response from the respondents, the applicants have approached the Hon'ble Tribunal.

8. Learned counsel for the applicants reiterated the facts that the applicants are working in organizations of national importance such as DRDO and DAE. The recommendation of the 6th CPC have been modified to S-24 grade for the similarly placed in Defence Services, but the same has been denied to S-

21 grade Civilian Officers, who also served under the same Ministry of Defence and other organizations.

9. It has also been submitted that although the present application has been filed on 14.02.2019, for the perceived anomaly pertaining to year 2006, the same is not barred by limitation as getting lesser pay or pension leads to continuous cause of action.

10. Learned counsels for respondents opposed the plea of the applicants and stated that the applicants should have sought redressal of their grievances through Anomaly Committee, after the 6th Pay Commission. They have instead preferred this OA after over a decade and therefore the same is barred by not only limitation, but the same cannot be addressed now after the 7th Pay Commission recommendations have also been implemented.

11. Heard the learned counsels of the applicants and the respondents and perused the records, at the admission stage itself.

12. It is evident that the applicants have filed this OA aggrieved by the decision of the Government on the recommendation of the 6th CPC, way back in 2006 and have

approached the Tribunal after a lapse of about 11 years. There exists a special mechanism for redressal of the grievances after every pay commission, specially through Anomaly Committee.

13. The applicants have not taken up this matter with the Anomaly Committee or with the concerned departments and have submitted representation only in the year 2017 seeking relief in terms of getting their pay scales revised w.e.f. 01.01.2006 and re-fixation of their pay.

14. The respondents have strongly argued that any such relief to the applicants, specially after the 7th Pay Commission can not be considered at this stage, as it may involve far reaching ramifications. Similar grievances have been addressed at the appropriate time, immediately after the 6th CPC.

15. We are also of the view that the applicants have failed to take up the matter and address their grievances to the Anomaly Committee in time after the 6th CPC. Such objections cannot be adjudicated at this later stage.

16. In view of the above mentioned, we are of the view that the present OA is entirely devoid of merit and the same is dismissed at the admission stage itself. The applicants are at

liberty to address their grievances to the concerned authorities.

There shall be no order as to costs.

(Mohd. Jamshed)
Member A)

(Justice L. Narasimha Reddy)
Chairman

/ankit/