

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI
OA No. 3856/2016**

New Delhi, this the 25th day of February, 2019

Hon'ble Mr. Pradeep Kumar Member (A)

B S Nehra, Aged- 58 years
 S/o Sh S S Nehra
 Working as Pilot in
 Directorate General of Civil Aviation,
 New Delhi
 R/o D-1/152, Satya Marg
 Chankypuri, New Delhi

.....Applicants

(By advocate : Mr Yogesh Sharma)

Versus

1. Union of India through the Secretary,
 Ministry of Civil Aviation,
 Govt of India, Rajiv Gandhi Bhawan,
 New Delhi
2. The Director General of Civil Aviation,
 Technical Centre, Govt of India,
 Rajiv Gandhi Bhawan, New Delhi

.....Respondents

(By advocate : Mr Ashok Kumar)

O R D E R (O R A L)

Mr. Pradeep Kumar Member (A):

1. The applicant herein had joined as Junior Pilot in Ministry of Agriculture on 30.01.1986. In due course of time, he was declared as surplus and was posted in the Ministry of Civil Aviation with effect from 30.07.1992. While in service, the applicant was given a task of a Senior Flight Inspector vide

DGCA order dated 10.02.2015. The applicant had since retired from the said Ministry of Civil Aviation.

2. DGCA vide their vacancy circular dated 03.02.2015 have called applications to fill certain posts on ad hoc basis on contractual basis in DGCA against newly created regular posts. These posts included one post of Senior Flight Operations Inspector in the grade pay of Rs. 8700/- in PB 4 with non flying allowance of Rs. 6,000 per hour for 70 hour per month and admissible special allowance.
3. The applicant pleads that he was on the selection board which eventually selected the Senior Flight Operations Inspector on ad hoc basis on contract. The applicant was also in the same scale of PB 4 plus grade pay Rs. 8700, yet he was given a flying allowance of Rs. 17,500 per month only as was sanctioned vide DGCA order dated 16.06.2014. The applicant is aggrieved that even though he was a regular employee, he was getting only Rs. 17,500 as flying allowance per month whereas the contractual Senior Flight Operations Inspector was being paid Rs 6,000 per hour for 70 hour per month. Feeling aggrieved, the instant OA was filed.
4. The respondents opposed the OA, it was pleaded that the applicant had been kept on the rolls of the Ministry of Civil Aviation, pending his absorption elsewhere under the Government of India and he has since retired also. The terms and conditions of regular employees are different as compared to those who are engaged on contractual assignment. Accordingly, the plea of the applicant, to be treated at par with contractual employees, in respect of non flying allowance, is not admissible. The two categories are separate and are governed by separate rules.

5. The matter has been heard at length. Mr Yogesh Sharma learned counsel represented the applicant and Mr Ashok Kumar learned counsel represented the respondents.
6. The employees can draw parity with other employees who are similarly placed like their own. In the instant OA, the applicant was a regular employee of Ministry of Agriculture and on being declared surplus, he was posted in the Ministry of Civil Aviation from where he had retired as a regular employee. Seeking parity with those who were engaged by Ministry of Civil Aviation on contractual basis is not correct. The status of both sets of employees- regular and those on contract, is entirely different and governed by separate rules. Accordingly, parity amongst these two sets cannot be drawn. Applicant had not produced any such policy also.
7. In view of foregoing, the pleadings of applicant are not acceptable. OA is dismissed being devoid of merit. No order as to cost.

**(Mr. Pradeep Kumar)
Member (A)**

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