

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

O.A. No.526/2013
M.A. No. 1264/2015

Reserved on : 06.02.2019

Pronounced on : 13.02.2019

HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. ARADHANA JOHRI, MEMBER (A)

1. Suresh Kumar Shokeen,
Age 44 years,
R/o Khasra No.30/22/23, IInd Floor,
Harijan Basti, Mangolpur Kalan,
New Delhi-110085.
2. Rahul Sudan, Age 43 years,
S/o Shri K.K. Sudan,
R/o 1580/G-1, Flat No.4,
Ist Floor, Raj Block,
Naveen Shahdara, Delhi-32.Applicants

(By Advocate: Shri Sachin Chauhan)

Versus

1. Govt. of NCTD
Through
The Hon'ble Lieutenant Governor of Delhi,
Rajniwas Marg,
5, Shamnath Marg,
New Delhi.
2. Govt. of NCTD,
Through Chief Secretary,
Delhi Secretariat,
I.P. Estate,
New Delhi.
3. The Principal Secretary (Home)
Delhi Secretariat,
I.P. Estate,
New Delhi.
4. Head of Office,
Directorate General of Home Guards,
Niskam Sewa Bhawan,
Raja Garden, New Delhi-27.
5. The Director General Home Guards,
CTI Complex, Raja Garden,
Govt. of NCT of Delhi, New Delhi.

6. The Dy. Secretary (Home-Gen.),
Govt. of NCTD,
Home (General) Department,
'A' Wing, 5th Level,
Delhi Sachivalaya, I.P. Estate,
New Delhi-2.
 7. Union of India,
Through the Secretary,
Ministry of Finance,
Govt. of India, North Block,
New Delhi.
 8. The Secretary,
DOP&T,
South Block,
New Delhi.
-Respondents

(By Advocate: Ms. Asiya for Ms. Raschmi Chopra)

ORDER

By Shri V. Ajay Kumar, Member (J)

The applicants, 2 in number and working as Junior Staff Officers with the Directorate General of Home Guards under the Government of NCT of Delhi, filed the OA having aggrieved with the Annexure A-2 order dated 15.02.2010 furnished to the applicants vide Annexure A-1 letter dated 11.08.2011 whereunder the claim of the applicants seeking pay parity with the Assistant Commissioners of Police of the Delhi Police was rejected.

2. Heard Shri Sachin Chauhan, the learned counsel for the applicant and Ms. Asiya for Ms. Rashmi Chopra, the learned counsel for the respondents and perused the pleadings on record.

3. The applicants, who are working as Junior Staff Officers with Directorate General of Home Guards of Govt. of NCTD, submits that the pay parity between their posts with the Assistant Commissioners of Police of the Delhi Police had been maintained during 4th CPC and 5th CPC, however, in the 6th CPC, the post of Junior Staff Officers was granted the Grade Pay of Rs.4600/- in PB-2 of Rs.9300-34800, whereas the post of Assistant Commissioner of Police of Delhi Police was granted the Grade Pay of Rs.4800/- and accordingly resulted in the said anomaly. They further submit that once the pay between both the posts are maintained between 4th CPC and 5th CPC, granting less Grade Pay of Rs.4600/- as against the Grade Pay of Rs.4800/- to the post of Junior Staff Officers in the 6th CPC, is illegal and arbitrary. It is also submitted that duties and responsibilities of the posts of Junior Staff Officer and the Assistant Commissioner of Police of the Delhi Police are almost akin and hence pay parity between both the posts is required to be maintained by the respondents. The applicants' counsel also submit that since the post of Assistant Commissioner of Police of Delhi Police and the Junior Staff Officers with Directorate General of Home Guards were granted the same uniform allowances etc., the Grade Pay of Junior Staff Officers should also be granted at Rs.4800/-. Hence, the OA.

4. On the other hand, Ms. Asiya, the learned counsel appearing for the respondent-Govt. of NCTD submits that the 6th CPC, an Expert Body in the field of fixation of pay, after due deliberations and after considering all the relevant material has recommended the Grade Pay of Rs.4600/- in PB-2 of Rs.9300-34800 for the post of Junior Scientific Officer and the same was duly approved by the Government of India and hence the claim of the applicants for granting the Grade Pay of Rs.4800/- is unsustainable. It is also submitted that no other recommendations of the Commission were available with regard to any other category of the employees of Directorate General of Home Guards and Civil Defence. It is also submitted that Para 7.57.29 of the 6th CPC are specifically applicable to the various categories of Delhi Police. The duties and qualifications attached to the posts of Junior Staff Officer of the employees of Directorate General of Home Guards and Civil Defence and the posts of Assistant Commissioner of Police are completely different and distinct and cannot be compared for the purpose of fixing the pay.

5. We find force in the submission made by the learned counsel for the respondents. As held by the Hon'ble Apex Court in a catena of cases, a large number of factors, namely, educational qualifications, nature of duties, nature of responsibilities, nature of method of recruitment etc. will be relevant for determining

equivalence in the matter of fixation of pay scale. Similarly, once an Expert Body, such as, Pay Commission has fixed the pay of a particular post in a particular manner, the Courts cannot ordinarily, interfere with the same unless a party claiming pay parity is able to show the equivalence in qualifications, duties and responsibilities, method of recruitment etc. (See **State of Punjab Vs. Surjit Singh, (2009) 9 SCC 514; Union Territory Administration, Chandigarh Vs. Manju Mathur (2011) 2 SCC 452; State of Haryana Vs. Charanjit Singh AIR 2006 SC 161; Government of West Bengal Vs. Tarun Kumar Roy, (2004) 1 SCC 347; Secretary, Finance Department Vs. West Bengal Registration Service, MANU/SC/0226/1992; State of U.P. Vs. Chaurasia, MANU/SC/0502/1988; Union of India Vs. Pradip Kumar Dey (2000) 8 SCC 580; and State of Haryana Vs. Haryana Civil Secretariat Personal Staff Association, MANU/SC/0576/2002**). Granting of same uniform allowance etc. to both the posts cannot also be the criteria for granting pay parity. The applicants, failed to show any valid reason, in favour of their prayer.

6. In the circumstances and for the aforesaid reasons, we do not

find any merit in the OA and accordingly the same is dismissed.

7. Pending MAs, if any, stand disposed of. No costs.

(ARADHANA JOHRI)
Member (A)

(V. AJAY KUMAR)
Member (J)

RKS