

**Central Administrative Tribunal
Principal Bench**

**OA No.602/2013
MA No.453/2013**

New Delhi, this the 15th day of March, 2019

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

1. Rajeev Kumar Mittal,
S/o Late Sh. S.C. Mittal,
R/o F-106, Lajpat Nagar,
Sahibabad, Ghaziabad (U.P.).
2. Arun Kumar,
S/o Late Sh. M.Lal,
R/o G-4/754, Shalimar Garden-I,
Sahibabad, Ghaziabad (U.P.).
3. Absar Ahmad,
S/o Late Sh. Iftikhar Ahmed,
R/o 347/3, R.K. Puram,
New Delhi-110022.
4. Arun Kumar Sharma,
S/o Late Shri S.C. Sharma,
R/o 1064, Sec-8, R.K. Puram,
New Delhi.
5. Manoj Kumar Diwan,
S/o Sh.V.B. Dewan,
R/o House No.2092, Sector-16, Faridabad,
Haryana-121002.
6. Kamal Khemchandani,
S/o Late Sh. H.T. Khemchandani,
R/o F-29, 1st Floor, Mansarovar Garden,
New Delhi-110015,.
7. Ashish Goel,
S/o Late Sh. Ram Chander Goel,
R/o 15/9, East Punjabi Bagh,
New Delhi-110026.

8. Ugrasen Prasad,
S/o Sh. Gobardhan Prasad,
R/o 174, Sec-12, R.K. Puram,
New Delhi-110022.
9. Rajeev Varshney,
S/o Late Shri S.C. Varshney,
R/o SA-132, Shastri Nagar,
Ghaziabad-201002.
10. Rajesh Kumar Kohli,
S/o Shri K.L. Kohli,
R/o E-3, Kirti Nagar,
New Delhi-15.
11. Sudhir Jain,
S/o Sh. A.C. Jain,
R/o B-2/151, Safdarjung Enclave,
New Delhi-110029.
12. Kamal Sethy,
S/o Premchand Sethy,
R/o CC-17D, DDA Flats,
Hari Nagar,
New Delhi-64.
13. V. Sitaram Raju,
S/o Sh. Late V. Subba Raju,
R/o Q.No.27, Type-4, Niveditakunj,
Sec-10, R.K. Puram,
New Delhi-22.
14. Pravir Kumar,
S/o Late Ram Lala Prasad Singh,
R/o AC-3, 703, Essel Tower, Sector-29,
Near IFFCO Chowk, Gurgaon, Haryana.
15. Shantanu Biswas,
S/o Late R.P. Biswas,
R/o D-675, Chittaranjan Park,
New Delhi-110019.
16. Balwan Kumar,
S/o Shri Late Omkar,
R/o RZH-316, Street No.11,
Raj Nagar-II,
Palam Colony, New Delhi-77.

17.Smt. Anita Vrma,
S/o Shri R.S. Verma,
R/o BSES Flat No.2,
Pushp Vihar,
Sec-5, New Delhi-17.

18.Deepak Sharma (PH),
S/o Dr. R.D. Sharma,
R/o B-34, Pocket-6,
Kendriya Vihar,
Sec-82, Noida (U.P.).

19.Devroop Singh VI,
S/o B.C. Singh,
R/o 92, Sec-12, R.K. Puram,
New Delhi-110022.

20.Sunit Kumar Gupta,
S/o Narotom Dass Gupta,
R/o A-6/253, Paschim Vihar,
New Delhi-63.

21.Anil Kumar Kawrani,
S/o Late J.N. Kawrani,
R/o B-3, NRPC Colony,
Opp, Katwaaria Sarai,
New Delhi-110016.

22.Raj Kumar Jayaswal,
S/o Late G.C. Jayaswal,
R/o S-310, Nivedital Kunj,
Sec-10, R.K. Puram,
New Delhi-110022.

23.Len J B,
S/o Sh. Late G. Janardanan Pillai,
R/o No.40,SRPC Staff Quarters,
Kodigehali,
Main Road, Shankara Nagar,
Bangalore-560092.

24.Naghma Furqan,
D/o Furqan Ahmed,
R/o S-412, Nivedita Kunj,
Sector-10, R.K. Puram,
New Delhi.

25.K.K. Sharma,
S/o Late Bhagat Ram Sharma,
R/o J-1/36A,Gali 37, Chanakya Place-I,
New Delhi-59.

26.Smt. Rehana Sayeed,
S/o Sh. Mohd. Asad Vllah,
R/o S-305, Nivedita Kunj,
Sector-10, R.K. Puram,
New Delhi.

27.Smt. Kavita Jha,
D/o Subodh Chandra Jha,
R/o EF-612, Sarojini Nagar,
New Delhi-110023.

28.Mohd Anwar,
S/o S.M. Aslam,
R/o R-81, 3rd Floor,
Jogebai Extn, Jafees Road,
Jamia Nagar, New Delhi-110025.

29.Anil Raghuvanshi,
S/o Shivpal Singh,
R/o 485, Sec-19, Pocket-3,
Akshardham Apartments,
Dwarka, New Delhi-75.

30.A Keshvan,
S/o Late S. Arumuganainar,
R/o No.107, Jankpuri Layout,
Behind Railway Station,
Hosur-635109.

31.Kishore Kumar,
S/o Sh. Late Munshi,
R/o B-7, NREB, Katwari Sarwai,
New Delhi-16.

32.Shishir Prakash,
S/o Sh. S.N. Verma,
R/o H.No.328, Third Floor,
Bhai Parmanand Colony,
Mukherji Nagar, Delhi-110009.

33.Rai Singh Tomer,
Sh. Late Jai Prakash,
R/o G-3/754, Shalimar Garden Ex-1,
Sahibabad, Ghaziabad.

34.Smt. Deepa Khanna,
D/o H.C. Maharana,
R/o B-1/506, Janak Puri,
New Delhi-110058.

35.Farooque Iqbal,
S/o Late Iqbal Hasan,
R/o S-409, Nivedita Kunj,
Sector-10, R.K. Puram,
New Delhi-110022.

36.Gurujit Medhi,
S/o Sh. Dhani Ram Das,
R/o C/o Rowell Lyngdoh,
Upper Motinagar,
Shillong-14.

37.Smt.Jaita Chatterjee,
D/o A.N. Mukherjee,
R/o 1022,Sector-A,
Pocket-B,
Vasant Kunj, New Delhi.

38.Bharat Gupta,
S/o Sh. K.N. Gupta,
R/o F-3, Sec-9, R.K. Puram,
New Delhi.

39.Sheetal Sumit Jain,
S/o Sh. M.L. Gulati,
R/o 36-B, Pocket-I,
Dilshad Garden,
Delhi-95.

40.N.S. Malini,
S/o Late K.K. Sundaram,
R/o No.44, SRPC Staff Quarters,
Kodigehalii,
Maain Road, Shankara Nagar,
Bangalore-560092.

41.Raghvinder Singh,
 S/o S. Mohinder,
 R/o S-309, Nivedita Kunj,
 Sector-10, R.K. Puram,
 New Delhi-110022.

42.Neerja Verma,
 D/o Shri R.C. Tandon,
 R/o 164A/DG II, Vimkaspuri,
 New Delhi-110018.

43.Mohd Mannan Nazir,
 S/o Shri M.W. Rahman,
 R/o A-4, Okhla Vihar,
 Jamia Nagar,
 New Delhi-110025.

44.Suman Bala,
 S/o Sh. K.L. Arya,
 R/o E-402, West Vinod Nagar,
 Gali No.7,
 Shanti Marg,
 Delhi-110092.

45.Rajesh Kumar Tiwari,
 S/o Sh. Kamla Prasad Tiwari,
 R/o Flat No.136, Sec-11, Pocket-3,
 Dwarka, New Delhi-110075.

46.Sovaran Singh Banoria,
 S/o Shri Baljeet Singh,
 R/o E-402, West Vinod Nagar,
 Gali No.7,
 Shanti Marg, Delhi-110092.

...applicants

(By Advocate : Dr. Ashwani Bhardwaj)

Versus

1. Union of India,
 Through the Secretary,
 Ministry of Power,Shram Shakti Bhawan,
 Rafi Marg,
 New Delhi-110 119.

2. The Chairman,
Central Electricity Authority,
Sewa Bhawan, R.K. Puram,
New Delhi.

...Respondents

(By Advocate : Dr. Ch. Shamsuddin Khan)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-

The applicants were working as Assistant Directors Grade-II in the Central Electricity Authority, the 2nd respondent herein. As a consequence of the acceptance of the recommendations of the 6th CPC, they were placed in the Pay Band-2 with Grade Pay of Rs.4800. The Ministry of Finance passed a Resolution on 29.08.2008, in the context of acceptance of the recommendations of the 6th CPC. It was mentioned that the Group 'B' officers in Departments of Posts, Revenue etc., would be placed in Grade Pay of Rs.5400 in PB-2 on non-functional basis on completion of four years of regular service in the Grade Pay of Rs.4800 in PB-2.

2. The applicants contend that though they were covered under the said clause, the benefit was not extended to them. They made representation in this

behalf and the same was rejected through an order dated 17.05.2012.

3. This OA is filed with a prayer to extend the benefit of Grade Pay of Rs.5400 on completion of four years of service in Grade Pay of Rs.4800, apart from challenging the order of rejection dated 17.05.2012.

4. Respondents filed detailed counter affidavit opposing the OA. They contend that the Resolution dated 29.08.2008, does not apply to the facts of the case. It is stated that in the establishment of the 2nd respondent, the post of Assistant Director Grade-I carries the Grade Pay of Rs.5400 in PB-2 and the post of Assistant Director Grade-II is the feeder category to that. It is also mentioned that there does not exist any anomaly.

5. We heard Dr. Ashwani Bhardwaj, learned counsel for applicant and Dr.Ch. Shamsuddin Khan, learned counsel for respondents.

6. The applicants rely upon the clause contained in Resolution dated 29.08.2008, which reads as under :-

“e) Group B officers of Departments of Posts, Revenue, etc. will be granted Grade Pay of Rs.5400 in PB-2 on non-functional basis after 4 years of regular service in the grade pay of Rs.4800 in PB-2.”

7. A reading of this, reveals that all the Group 'B' officers in the Departments of Posts, Revenue etc, who have completed four years of regular service in Grade Pay of Rs.4800 in PB-2 are entitled to be placed in Grade Pay of Rs.5400 in PB-2.

8. In case the applicants fall into that category, they are certainly entitled for the benefit. A serious doubt arises as to whether the clause referred to above would cover employees of Autonomous Bodies also. A clarification was issued in this behalf by the Ministry of Finance, Departments of Expenditure on 04.01.2009, which reads as under :-

“Subject : Application of Shri Manish Kumar under RTI Act.

With reference to RTI Cell's U.O. No.3(24)/09-RTI dated 6th January, 2009, the applicant be informed that decision of the Government vide S1. No.(x)(e) of the Government Resolution dated 29th August, 2008 for placing Group 'B' employees of Departments of Posts, Revenue, etc. covers employees of all Ministries/Departments but it does not cover employees of autonomous bodies; etc.

This issues with the approval of Dire(IC).

(S.D.Sharma)
Under Secretary (IC-II)

CPIO, D/o Expenditure
MOF(Exp) U.O. No.22/04/2008-IC.II
dated 14th January, 2009.”

9. The applicants did not dispute the fact that they are employees of an Autonomous Body.

10. Reliance is placed upon an order dated 06.08.2010, passed by this Tribunal in OA No.2669/2009. That was a case in which applicants were the employees of Prasar Bharati. The purport of the letter dated 14.01.2009, was taken into account. However, the fact that the applicants therein were the Central Government employees, on deemed repatriation to Prasar Bharati, weighed with the Tribunal, and the relief was granted. Para 4 of the order reads as under :-

“4. An information under RTI served upon the applicant clearly indicated that the decision referred to above in clause 1(x) (a to e) of the Resolution dated 29.08.2008 placing Group ‘B’ employees in the grade pay of Rs.5400/- covers the applicants in the present OA but it does not entitle the employees of autonomous body. As we find on an admitted stand that the applicants are still the Central Government employees on deemed deputation to Prasar Bharati vide a Cabinet decision, the pay structures

granted to the employees of Central Government shall mutatis mutandis apply to the applicants and rejection of their request for grade pay of Rs.5400/- is not justifiable.”

Such is not the case here.

11. Added to that, in the establishment of the 2nd respondent, the post of Assistant Director Grade-I carries Grade Pay of Rs.5400 in PB-II and feeder category to that is Assistant Director-II, with two years of standing. The Grade Pay of Assistant Director Grade-II is Rs.4800 and if the contention of the applicants is accepted, the feeder category post would carry the same Grade Pay as does the promotional post.

12. Even where the anomalies are noticed, in the context of the implementation of the recommendations of the Pay Commissions, the ordinary course is to refer the same to the Anomalies Committee. In the present case, such a possibility does not exist, on account of the fact that the situation is now covered by the recommendations of the 7th Pay Commission.

13. Viewed from any angle, we do not find any basis to grant relief. Therefore, the OA is dismissed. There shall be no order as to costs.

Pending MAs, if any, stand disposed of.

(Mohd. Jamshed) **(Justice L. Narasimha Reddy)**
Member (A) **Chairman**

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