

**Central Administrative Tribunal
Principal Bench**

OA No.4492/2013

New Delhi, this the 5th day of March, 2019

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

K.S. Raman, 34 B, Saratha Illam
Opp to TV Relay Centre
Teachers' Colony
Rajapalayam (PIN 626108)
Tamil Nadu.

...Applicant

(By Advocate: Shri M.S. Ramalingam)

Vs.

1. Union of India
through Secretary
Ministry of Defence
E Block, D.H.Q. P.O.
New Delhi-110 011.
2. Joint Secretary (Trg) & CAO
Ministry of Defence
E Block, D.H.Q. P.O.
New Delhi-110 011.
3. Union of India
Through Secretary
Department of Personnel and Training
North Block, New Delhi-110001.
4. Union of India
Through Secretary
Department of Expenditure
Ministry of Finance
North Block, New Delhi.

...Respondents

(By Advocate: Dr. Ch. Shamsuddin Khan)

ORDER (ORAL)**Justice L. Narasimha Reddy:-**

The applicant joined the service of Armed Forces Headquarters as an LDC and was promoted to the post of Assistant on 31.08.2001. He took voluntary retirement from service, effective from 31.03.2006. The pay scale of the applicant was also revised on the basis of the recommendations of the 6th Pay Commission.

2. The applicant contends that there is a discrepancy in the pay scale of the person holding the post of Assistant appointed on direct recruitment on the one hand on promotion and on the other, subsequent to the implementation of the recommendations of the 6th Pay Commission; and that the relevant benefit was not extended to him. Since the instructions issued by the Government in this behalf were coming in way, he filed this OA with a prayer to set aside the Rules of 2008, and in particular, the Clarification dated 14.12.2009 issued by the Central Government and Finance Department and to direct the respondents to fix his pay @ Rs.13,860/- with GP of Rs.4600 p.m., if necessary

by relaxing the relevant rules. Other alternative and ancillary reliefs are also prayed for.

3. The respondents filed a counter affidavit opposing the OA. It is stated that the discrepancy that arose in the pay scale of promotees on the one hand and direct recruits on the other, has since been removed and that his pay scale and resultant pension of the applicant were fixed, duly taking into account, the recommendations of the 6th Pay Commission.

4. We heard Shri M.S. Ramalingam, learned counsel for the applicant and Dr. Ch. Shamsuddin Khan, learned counsel for the respondents.

5. The applicant retired from service on 31.03.2006, on voluntary basis. The recommendations of the 6th Pay Commission came into force i.e. w.e.f. 01.01.2006. It is not his case that his pay scale and pension were not revised as per the recommendations of the 6th CPC. The applicant made an effort to project the discrepancy of pay scale of an Assistant who is already in service and one who would be appointed through direct recruitment. Though there was a possibility for such a discrepancy to exist, it has since not been rectified. The

applicant now shifted his grievance to the one of a pay scale of an Assistant promoted subsequent to 31.03.2006. There is absolutely no basis for this. He was also aware that unless the relevant rules are relaxed, he cannot be extended any higher scale of pay and further resultant reliefs. A specific prayer is made in this behalf. When the relaxation of rules cannot be claimed by an employee who is in service, the question of extending it to a person who took VRS, does not arise. Added to that, the applicant is not clear as to which provision is to be relaxed and for what purpose.

6. We do not find any merit in this OA. It is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

/vb/