

**Central Administrative Tribunal
Principal Bench**

OA No.3341/2013

New Delhi, this the 20th day of December, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)**

1. Harvinder Singh,
S/o Sh. Gurnam Singh,
R/o 333 Nimri Colony,
Ashok Vihar, Ph-IV, Delhi-110052
Working as Asstt Prod. Manager (PP) in DAVP.

2. Anil Marcus,
S/o Sh. M.N. Elias,
R/o 6B, MSD Flats,
Minto Road Complex,
New Delhi,
Working as Asstt Prod. Manager (Prod) in DPD.

3. V. Selva Kumar,
S/o Sh. Vandamalai,
R/o T-482/2E-2,
Baljeet Nagar,
New Delhi-110008
Working as Asstt Prod. Manager (Prod) in DPD.

4. D.K.C. Hrudhainath,
S/o Sh. D.K. Raju,
R/o 301, 28th Block,
CPWD Qrts, HSR Layout,
Secor-1, Bangalore-560102,
Working as Asstt Prod. Manager (PP) in DAVP.

5. K. Ramalingam,
S/o late S. Kupu Reddy,
R/o 37/H, Pocket-A/2,
Mayur Vihar-III,
Delhi-110096,
Working as Asstt Prod. Manager (Prod) in DPD.

6. A.K. Sinha,
S/o Late D.P. Sinha,
R/o F-396/A Pratap,
Vihar, Sector-XI,
Ghaziabad
Working as Asstt Prod. Manager (PP) in DAVP.
7. R.K. Mahani,
S/o late O.P. Mahani,
R/o B-8 Guru Nanak Apartment,
West Enclave, Pitampura,
New Delhi-110034,
Working as Technical Asstt in DPD.
8. S. Bhattacharjee,
S/o Late H. K. Bhattacharjee,
R/o C-505 Supertech Rameswar Orchid,
Kaushambi,
Ghaziabad-201010
Working as Technical Asstt in DAVP.
9. S.K. Pandey,
S/o Shri G.B. Pandey,
R/o 4A/1124,
Vasundhara,
Ghaziabad-201010
Working as Technical Asstt in DPD.
10. Vineet K. Mangal,
S/o Late R.K. Mangal,
R/o D-249, Anand Vihar, Delhi-110092
Working as Technical Asstt in DAVP.
11. Vilas J. Pagare,
S/o Late J. Pagare,
R/o B-154, IIInd Floor,
Jhilmil Colony,
Delhi-110095
Working as Technical Asstt in DAVP.
12. Ganeshi Lal,
S/o Sh. Ramesh Chand,
R/o 479 Sector-2C,
Vasundhara, Ghaziabad-
Working as Technical Asstt in DPD.

13. Deepak Kumar,
 S/o Sh. R.P. Prajapati,
 R/o B-50, F/2, DLF Dishad Extn-II,
 Ghaziabad-201005
 Working as Technical Asstt in DAVP.

14. Shashi Prakash Singh,
 S/o Sh. J. Prasad,
 R/o 800 First Floor, Sector 21D,
 Housing Board Colony,
 Faridabad-121012
 Working as Technical Asstt in DPD.

...Applicants

(By Advocate : Shri M.K.Bharadwaj)

Versus

Union of India & Ors through :

1. The Secretary,
 Ministry of Information & Braodcasting
 Shastri Bhawan,
 New Delhi.
2. The Director General,
 Directorate of Advertising & Visual Publicity (DAVP),
 Soochna Bhawan, CGO Complex,
 Lodhi Road, New Delhi-110003.
3. The Secretary,
 Department of Expenditure,
 Ministry of Finance,
 Govt. of India,
 North Block, New Delhi.

...Respondents

(By Advocate : Shri S.M. Arif)

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

The applicants herein are the employees of Directorate of Advertising and Visual Publicity (for short, DAVP), which is under the Ministry of Information and Broadcasting. It is their case that for the post of Technical Assistant (TA) in the Organisation, the pay scale determined by the 3rd Pay Commission was Rs.550-900/- and at that point of time, the pay scale for the post of Assistant in the Central Secretariat Services (CSS) was Rs.425-800/-. It is stated that while in the 4th CPC, this disparity was maintained, the 5th Pay Commission brought parity between both the posts with the pay scale of Rs.5500-9000/-. The same parity and equality is said to have been maintained by the 6th Pay Commission also with pay scale of Rs.9300-34800/- with the Grade Pay of Rs.4200/-.

2. The applicants contend that through proceedings dated 16.11.2009, the Ministry of Finance, Department of Expenditure has enhanced the Grade Pay for the post

of Assistant (CSS) from Rs.4200 to Rs.4600, but the same benefit was not extended to them. Their Association made a representation in this behalf on 26.07.2010. With this background, the applicants claim the relief in the form of declaration to the effect that the action of the respondents in not granting the Grade Pay to the post of TA (DAVP) on par with Assistant in CSS is illegal, arbitrary and discriminatory and to direct the respondents to grant the same.

3. The respondents filed the counter affidavit opposing the OA. It is stated that the conditions of service, including the qualifications for appointment of the TA (DAVP) on the one hand and Assistant (CSS) on the other hand are totally different and the applicants cannot claim parity.

4. We heard Shri M.K. Bhardwaj, learned counsel for applicant and Shri Satish Kumar, learned counsel for respondents.

5. The comparative table which is made part of the OA depicting the scales of pay for the post of Assistant (CSS) and TA (DAVP), as a result of the recommendations of the

3rd, 4th, 5th and 6th Pay Commissions, discloses that while in the former two, the TA in DAVP was on a higher pedestal than Assistant in CSS, in the latter two, both posts were brought on the same place.

6. It may be true that the conditions of service of both the posts are different. At the same time, the TAs who were drawing higher pay scale as a result of recommendations of 3rd and 4th Pay Commissions, in fact, had a genuine grievance which was brought on parity as a result of 5th and 6th Pay Commissions. Whatever be the reconciliation on the part of the applicants as regards their being equated to Assistants in CSS, the subsequent enhancement of the Grade Pay only for the post of Assistant in CSS, is certainly a matter of concern for them. They have a legitimate expectation as regards extension of the same to the post of TA in DAVP. At least when the representation is made, the respondents ought to have granted the relief or furnished the reasons as to why it cannot be granted.

7. The matter is pending for the past several years and even a subsequent Pay Commission has come into existence. The matter cannot be delayed any further.

We, therefore, dispose of the OA, directing the respondents to pass orders on the representation submitted by the Association of the employees of DAVP, within a period of three months from the date of receipt of a certified copy of this order. We also permit the applicants to supplement further facts to their representation in the meanwhile.

There shall be no orders as to costs.

(K.N. Shrivastava)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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