

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.577/2013

Thursday, this the 2nd day of May 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Dr. Manoj Kumar Jain
s/o Shri Mahendra Kumar Jain
r/o H.No.B-1/24, Udap Colony
Behind Vimhans Hospital
Nehru Nagar, New Delhi – 110 065

(Mr. M K Bhardwaj, Advocate)

..Applicant

Versus

The Office of the Registrar General of India
Through the Registrar General & Census Commissioner
2-A, Man Singh Road
New Delhi – 110 011

(Mr. Rajeev Kumar, Advocate)

..Respondent

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant is working as Investigator (Social Studies) in the office of the Registrar General of India, the respondent herein. In that Office, there are two wings; one is 'Social Studies' wing and the other is 'Statistical' wing. The posts of Investigator (Social Studies) and Statistical Investigator were on par with each other, so much so that a common pay scale and common seniority list is existed.

2. The 5th Central Pay Commission (CPC) made far reaching recommendations as regards restructuring of the said cadre. The post of Investigator (Social Studies), which was to be filled 80% by promotion and 20% by direct recruitment, was made to be filled exclusively through direct recruitment and was kept in the pay scale of ₹5500-9000. On the statistical side, the post of Investigator was bifurcated into Grades I & II. For Grade I, the pay scale was suggested at ₹6500-10500 and for Grade II, the scale of ₹5500-9000 was recommended. It is also necessary to mention that modifications as regards qualification and method of recruitment were also suggested. The recommendations of 5th CPC were accepted and as a result, the parity, which was existing prior thereto, stood disturbed, to certain extent.

3. The applicant and others made a representations for restoration of parity, but of no avail. The 6th CPC also did not make any suggestion for removal of disparity. It is under these circumstances that the applicant filed this O.A., with multifarious reliefs. They include the removal of disparity, restoration of parity and extension of consequential benefits, including that of promotion.

4. The respondent filed a lengthy counter affidavit, opposing the O.A. The entire historical background of the two posts was furnished. It is ultimately stated that though the Ministry of Home made certain suggestions for removal of disparity acting

on the representations, the same was not acceded to by the Department of Expenditure, Ministry of Finance.

5. We heard Mr. M K Bhardwaj, learned counsel for applicant and Mr. Rajeev Kumar, learned counsel for respondent.

6. Briefly stated, the structure used to be the Investigator (Social Studies) and Statistical Investigator. Both these posts were holding the same pay scale, i.e., ₹1640-2900 (pre-revised) and the common seniority list was being maintained for them. The 5th CPC suggested radical changes for both of them. On the social studies side, the post of Investigator was made to be exclusively filled through direct recruitment and the pay scale was recommended as ₹5500-9000. However, in the statistical side, bifurcation was suggested, i.e., Investigator Grade I with the pay scale of ₹6500-10500 and Investigator Grade II, with pay scale of ₹5500-9000. In other words, a part of the statistical wing, which was on par with the social studies wing, was elevated to a higher pay scale of ₹6500-10500. Parity remained between Investigator (Social Studies) and Statistical Investigator Grade II.

7. Extensive arguments are advanced as regards absence of basis for removal of parity. In fact, that is evident from the recommendations of the Ministry of Home. However, we find that it was brought about on the basis of recommendations of

5th CPC and no suggestions to the contrary were made by 6th CPC. The Department of Expenditure, Ministry of Finance did not find any serious violation of law in this context. The objections, if at all, ought to have been raised at the time when the recommendations of 5th CPC were being accepted. In such a case, the matter could have been referred to Anomalies Committee and if the grievance remained unattended to, it could have been addressed by the 6th CPC. None of these steps have taken place. As of now, we have crossed the stage of 7th CPC also. Therefore, we find it difficult to accede to the request of applicant for removal of disparity and restoration of pre-5th CPC pay parity.

8. Another grievance of the applicant is about promotional avenues. It has already been mentioned that there used to be common promotional avenues for Investigators of both the wings. Even now such a facility exists, but with different conditions. For promotion to the post of Assistant Director, the posts of Investigator (Social Studies) and Statistical Investigator Grade I are treated as feeder categories. However, the required length of service for the former is 5 years, whereas for the latter, it is 8 years.

9. Whatever may have been the circumstances under which the pay disparity has come into existence, we are of the view that the serious difference as to the required length of service

between two categories, which constituted the feeder category, is difficult to be sustained. This is particularly so when the size of the social studies wing is too small, compared to the other wing.

10. We, therefore, dispose of the O.A. directing the respondent to consider the feasibility of removing the anomaly as regards the eligibility criteria stipulated in respect of the two feeder categories for promotion to the post of Assistant Director. The exercise in this behalf shall be completed within three months from the date of receipt of a copy of this order.

There shall be no order as to costs.

(Aradhana Johri) (Justice L. Narasimha Reddy)
Member (A) Chairman

May 2, 2019
/sunil/