

# **CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH**

O.A./100/2133/2019

New Delhi, this the 25th day of July, 2019

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

B.L. Sharma  
S/o R.S. Sharma,  
Aged about 56 years  
R/o 6128/6, Pkt. D-6  
Vasant Kunj, New Delhi-70 ....Applicant

(Through Shri Ranjit Sharma, Advocate)

## Versus

DSIIDC Ltd.,  
Through its Chairman  
N-36, Bombay Life Building,  
Connaught Circus,  
New Delhi-01 ... Respondent

## ORDER (Oral)

Justice L. Narasimha Reddy, Chairman

The applicant was appointed as Assistant Director of Horticulture in Delhi State Industrial Development Corporation (DSIDC) - the respondent herein. The respondent introduced a Scheme in the year 2002, providing for extension of the benefit of merit pay scale to the officers of DSIDC, as and when they complete seven years of service, in a grade pay. The applicant was extended such benefit vide Office Order dated 19.05.2003. He was put in the pay scale

of Rs.8000-275-13500. One year thereafter, the post held by him was upgraded as Deputy Director through order dated 5.08.2002. The applicant started making representations from the year 2015 onwards stating that he is entitled to the benefit of merit pay scale in the post of Director. He also got issued a legal notice on 15.05.2018. It was stated that he is entitled to be put in the pay scale of Director of the Corporation with effect from the year 2008.

2. This OA is filed with a prayer to direct the respondents to extend the benefit of the merit pay scale of the post of Director (Horticulture) with effect from the year 2008.

3. We heard Shri Ranjit Sharma, learned counsel for the applicant at the stage of admission.

4. The resolution for extension of the benefit of merit pay scale was passed on 28.10.2002. The relevant portion reads as under:-

“2). Officers falling in Group A&B (Posts upto the scale of Rs.10000-15200) category may be prescribed for grant of “Merit Pay Scale”, who have completed 7 years of service in a grade of pay, on the basis of their self assessment report and ACRs duly considered by a DPC and acceptance of the recommendations by the Managing Director. (The officer shall be entitled for benefit of fixation of pay under FR 22).”

5. Promptly enough, the respondents extended the benefit of merit pay scale to the applicant on 19.05.2003. The post of the applicant was upgraded as Deputy Director. It was not a

promotion at all. For all practical purposes, he continued to hold the same post in that enhanced pay scale.

6. The question as to whether the applicant was entitled to be extended the benefit of merit pay scale on completion of seven years with effect from 5.08.2004 ought to have been raised at the relevant point of time.

7. The applicant started making his claim in the year 2015. He wanted the benefit to be extended in the pay scale of Director of Horticulture i.e. in the next higher post, that too from the year 2008. The claim is totally untenable and deserves to be rejected without any consideration.

8. We accordingly dismiss the OA. There shall be no order as to costs.

(Mohd. Jamshed)  
Member (A)

(Justice L. Narasimha Reddy)  
Chairman

/dkm/