

**Central Administrative Tribunal
Principal Bench**

OA No.1860/2019

New Delhi, this the 2nd day of July, 2019

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

TDS Tulsiani,
S/o Late S.D. Tulsiani,
S.E. Retd CPWD,
Age 70 years, Group A,
465 Sector, 17, Faridabad, 121002.

...Applicant
(In person)

Versus

Union of India,
Through the Secretary,
Ministry of Housing & Urban Affairs,
Nirman Bhawan,
New Delhi-110011.

...respondent

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-

The applicant retired as Superintending Engineer from the CPWD on 30.09.2008. The Government of India, Ministry of Personnel, Public Grievances and Pensions, DOP&T, issued Office Memorandum dated 24.04.2009, providing for extension of the benefit of Non Functional Upgradation (for short, NFU) to the officers of Organised Group 'A' in PB-3 and PB-4. According to

that, if an IAS officer of the State or Joint Cadre is posted at the Centre to a particular grade, carrying specific grade pay in Pay Band 3 or Pay Band 4, the officers of Organised Group 'A', who are senior by two years or more to such IAS officer, shall be entitled to be extended the benefit of NFU.

2. The applicant contends that though he is entitled to the benefit under the said OM, it is not extended to him. He made representations dated 06.06.2018 and 18.07.2018, and his grievance is that no action has been taken thereon till date.

3. We heard the applicant who argued the case in person.

4. The Office Memorandum dated 01.07.2010 provided for the facility of NFU to the officers of Organised Group 'A' Services in PB-3 and PB-4, subject to certain conditions. To be precise, it provides that if an IAS officer is posted in the Central Services in PB-3 or PB-4, the officers of Organised Group 'A' Services, who are seniors to such IAS officer by two years, shall be entitled to be extended the benefit of NFU. It is fundamental and basic that a Group 'A' officer must be in service and nowhere in

the said OM, it is mentioned that the benefit is available to the retired officers also. Added to that, the OM itself was issued after the applicant retired from service. The OA is filed more than 10 years after the applicant retired from service.

5. The applicant states that after the OA was filed, the respondents have replied through an order dated 09.01.2019, stating that his case has been considered for NFU SAG w.e.f. 31.01.2006, 01.04.2006, 01.04.2007 and 01.04.2008, but on account of his below bench mark gradings in the APAR, he was not granted the benefit. The consideration of the applicant on those occasions was not with reference to the OM dated 24.04.2009. If the applicant intends to pursue the remedies vis-a-vis the reply dated 09.01.2019, it shall be open to him to do so.

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

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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