

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

OA No. 2687/2015

This the 26th day of September, 2019

**Hon'ble Mr. R.N. Singh, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)**

Sh. Puran Lal Goel
Aged 75 years,
Retired Principal,
S/o Late Sh. Kishan Lal,
R/o B-3/90, Janak Puri, New Delhi

...Applicant

(By Advocate: Ms. Sonika Gill)

VERSUS

South Delhi Municipal Corporation
Through the Commissioner,
Civic Centre, Minto Road, New Delhi-110002.

...Respondent

(By Advocate: Sh. R.K. Jain)

ORDER (Oral)

Hon'ble Mr. R.N. Singh, Member(J):

Heard the parties.

2. The applicant, who had retired on attaining the age of superannuation under the respondent w.e.f. 31.03.2000, has filed the present application u/s 19 of Administrative Act, praying therein for the direction to the respondent to make payment of arrears of difference

between the pay scale of Rs. 1,640-60-2600-75-2900 and Rs. 2000-3500/- w.e.f. 03.01.1987 till 31.12.1995 and from 01.01.1996 till the date of retirement, i.e., 31.03.2000 in the pay scale of 7500-12000 in place of 6500-200-10500 and corresponding retirement benefits accordingly.

3. The only ground of the applicant for seeking the aforesaid relief is that one Sh. Dal Chand, who is junior to the applicant was granted the benefits of notional fixation of pay retrospectively w.e.f. 01.04.1981 and in this regard, impugned office order dated 15.06.2010 was passed by the respondent.

4. The applicant, on one hand, seeks the benefits as had been granted to the aforesaid Sh. Dal Chand vide impugned office order dated 15.06.2010, by which the notional fixation w.e.f. 01.04.1981 and actual benefits w.e.f. 26.11.1984 was granted to Sh. Dal Chand and on the other hand, he has challenged the said order dated 15.06.2010.

It appears that applicant has mistakenly challenged the office order dated 15.06.2010. The learned counsel

for the applicant submits that the applicant, in fact, seeks parity with aforesaid, i.e., Sh. Dal Chand.

5. In response to the notice issued by this Tribunal, respondent has filed reply. In the reply, more particularly in para 7, thereof, they have specifically stated as under:-

“7. The applicant is seeking relief on the grounds that one Sh. Dal Chand retired Headmaster has been granted higher pay grade. In this regard, it is submitted that the department had wrongly fixed the pay/pay scale which he is otherwise not entitled to as per rules and mistake has been rectified by the department and an office order No. DDE/Sh.North/D-46 dated 01.02.2013 was issued wherein the pay fixation of Sh. Dal Chand was be fixed.”

6. In view of above, it is evident that the applicant's claim for the parity with the aforesaid Sh. Dal Chand will not be maintainable for the reason that the said benefit is admittedly withdrawn from aforesaid Sh. Dal Chand by the respondent. No other ground has been argued on behalf of the applicant.

Accordingly, the OA is devoid of any merit and the same is accordingly dismissed.

7. No orders as to costs.

(Aradhana Johri)
Member (A)

/akshaya/

(R.N. Singh)
Member (J)