

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A No. 180/00964/2018

Wednesday, this the 10th day of July, 2019.

CORAM:

HON'BLE Dr. K.B. SURESH, JUDICIAL MEMBER

1. P.V. Ravindran, 71 years,
S/o. Kelu Nambiar (late),
Assistant Central Intelligence Officer Grade II (Retd.),
Intelligence Bureau, 'Mahima', Near O.K. U.P. School,
Edakkad, Via Thalassery, Kannur District – 670 663.
2. E.P. Narayanankutty, 72 years,
S/o. K.O. Narayanan Nambiar,
Assistant Central Intelligence Officer Grade II (Retd.),
Intelligence Bureau, 'Padmalayam', Aroli, Pappinisserry,
Kannur District – 670 561.
3. P. Narayanan, 69 years,
S/o. M. Ambu Nair,
Assistant Central Intelligence Officer Grade II (Retd.),
Intelligence Bureau, Pachikkal House,
Padinjatunkozhuval, Neeleswaram,
Kasaragode District – 671 314. - Applicants

[By Advocate Mr. C.S.G. Nair]

Versus

1. Director,
Intelligence Bureau (Ministry of Home Affairs),
35, Sardar Patel Marg, Chanakya Puri,
New Delhi – 110 021.
2. Pay and Accounts Officer,
Intelligence Bureau (Ministry of Home Affairs),
AGCR Building, E Wing, IP Estate,
New Delhi – 110 002.
3. Joint Director,
Subsidiary Intelligence Bureau (Ministry of Home Affairs),
No. 25, Infantry Road, Bengaluru – 560 001.

4. Joint Director,
Subsidiary Intelligence Bureau
(Ministry of Home Affairs),
572, Mont Fort House, Vazhuthakad,
Thaikad (P.O), Thiruvananthapuram – 695 014.
5. Union of India represented by its Secretary,
Department of Pension & Pensioners' Welfare,
South Block, New Delhi – 110 001. - Respondents

[By Advocate : Mr. V.N. Mohanadasan, ACGSC]

The application having been heard on 10.07.2019, the Tribunal on the same day delivered the following:

ORDER

Per: Dr. K.B.Suresh, Judicial Member

Heard both sides.

2. Applicants' claim that parity with people, who had been in service with them at the relevant time may be granted to them under Article 14 of the Constitution of India.

3. Heard the learned counsel for the respondents in great detail. He would say that only those which were in the pre-revised scale of Rs. 6500-10500 as on 01.01.2006 and which were granted the normal replacement pay structure of Rs. 4200/- in the Pay Band -2 will be granted Grade Pay of Rs. 4600/- in the Pay Band-2 corresponding to the pre-revised scale of Rs. 7450-11500 with effect from 01.01.2006.

4. When we cut away the jargon, it is simply that even though the merger of three pay scales were brought into effect, the actual practice had commenced in the year 2009 only. Therefore, what should be done with the interregnum period between 2006 and 2009 is only the crux of the issue. To everybody, who were in the applicable range as on 01.01.2006 with retrospective effect, it was granted. Therefore, it goes without saying that, if applicants had been in a Pay Band requiring them to be given equal treatment along with those with whom they worked. Then despite the fact that the applicants retired in the year 2007, they are eligible to be considered equally along with others. At this time, respondents rely on Annexure R-2, which is a notification issued in the year 2001 i.e on the prior pay commission recommendation results. In that also pension is to be calculated as between not less than 50% of the minimum of the corresponding scale as on 01.01.1996 i.e. in this case, as on 01.01.2006. If persons along with the applicants in the same grade as ACIO-II had been granted the pay band and Grade Pay of Rs. 4600/-, then without any doubt applicants are also eligible. **Therefore, Annexure R-2 is in their favour and not against them.** No further details is available regarding the CAT order in O.A. No. 183/2013 of Ahmedabad Bench. Why it was disallowed is not available in the reply. The learned counsel for the respondents is unable to shed any light on this matter. Therefore,

he was not able to explain the significance of that decision. But this Tribunal held at the same time that a question of equality must be cutting across all barriers. The basic way to understand the situation is to cut all jargon and find out whether the ACIOs, who were in service at that time along with the applicants as on 01.01.2006 had been granted this benefit or not? If they had been granted the benefit, then the applicants are also eligible to be granted the same benefit, since it is admitted that all these were granted this benefit. Therefore, it is hereby declared that the applicants are eligible to be granted the pay band and the Grade Pay of Rs. 4600/- and their pension and other benefits are to be revised and granted to them within the next two months. O.A is allowed. No order as to costs.

(Dated, 10th July, 2019.)

(Dr. K.B. SURESH)
JUDICIAL MEMBER

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Applicant's Annexures

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| Annexure A-1 | - | True copy of the Revision Authority dt. 8.7.2009 |
| Annexure A-2 | - | True copy of the Office Order No. 466/2008 |
| Annexure A-3 | - | True copy of the Revision Authority dt 20.4.2011 |
| Annexure A-4 | - | True copy of the Revision Authority dt 1.10.2013 |
| Annexure A-5 | - | True copy of the O.M F. No. 1/1/2008-IC dt. 13.11.2009 issued by the 3 rd respondent. |
| Annexure A-6 | - | True copy of the O.M. No. 38/37/2016-P&PW (A) dt. 12.5.2017 |
| Annexure A-7 | - | True copy of the Order No. 403/2016 dt. 12.8.2016 issued by the 4 th respondent. |
| Annexure A-8 | - | True copy of the representation dt 6.11.2017 |
| Annexure A-9 | - | True copy of the Letter No. 28/EST(T)/2017 (3) dt. 23.1.2018 issued by the 4 th respondent. |
| Annexure A-10 | - | True copy of the representation dt. 12.12.2017. |
| Annexure A-11 | - | True copy of the letter No. 2/EST/PC/2017 (12) (iii) dt. 26.2.2018 issued by the 1 st respondent. |
| Annexure A-12 | - | True copy of the representation dt. 12.12.2017. |

Annexures of Respondents

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|--------------|---|----------------------------------|
| Annexure R-1 | - | True copy of the reference note. |
| Annexure R-2 | - | True copy of the Memorandum |
