

**Central Administrative Tribunal
Principal Bench**

**OA No.3380/2019
MA No. 3725/2019**

New Delhi this the 26th day of November, 2019

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

1. Sh. Ajay Kumar Puri, Gr.'B',
S/o Sh. Ramesh Keshwar Puri,
Aged about 42 years,
R/o D-46, Pardhan Enclave,
Burari, Delhi-110084
Working as AAO in Pr. Accounts Office,
Delhi Secretariat, New Delhi-110082
2. Dilip Kumar Sharma, S/o SK Sharma,
Age about 46 years,
R/o D 127, Rameshwar Park,
Loni, Ghaziabad, 02,
Working as AAO in the Dte. Of Audit,
Delhi Secretariat, New Delhi-110002
3. Shravan Kumar Jha, S/o late RB Jha,
Aged about 47 years,
R/o 5/769, F1, Sector 5, Vaishali-201010
Working as AAO in the L&B Deptt.,
Vikas Bhawan, New Delhi -110002
4. Sushma Sharma w/o Virender Sharma,
Age about 52 years,
R/o B-2/19, Paschim Vihar, New Delhi
Working as AAO in PWD, MSO Building,
ITO, New Delhi-110002
5. Reena Tom, w/o Tomy Varghese,
Age about 52 years,
R/o 29, 2nd Floor, Shivaji Enclave,
Rajouri Garden,
Working as AAO in GGSG Hospital, New Delhi
6. Sandeep Sabharwal s/o VK Sabharwal,
Age about 44 years,
R/o 4/59, 2nd Floor, Jangpura Extension,

New Delhi 110014
 Working as AAO in teh O/o DM (SE)
 Lajpat Nagar, New Delhi

7. Suresh Kumar, S/o Sh. Nanak Chand,
 Age about 45 years,
 R/o F-1/145-146, 2nd Floor, Sec.-11,
 Rohini, Delhi-110085
 Working as AAO in Dte. Of Audit,
 Delhi Secretariat, New Delhi-110002
8. Indra Kalra, w/o Sh. Sanjay Kalra,
 Age about 48 years,
 R/o Flat No.243, Plot No.29B,
 Prabhavi Appt.,
 Sector-10, Dwarka, New Delhi-110075
 Working as AAO in T&T Ed., IIT,
 Dwarka, New Delhi
9. Kanwal Krishan s/o late VD Sehgal,
 Age about 50 years,
 R/o WZ-197/2B, Gali No.3A, 2nd Floor,
 Virender Nagar, Janakpuri,
 New Delhi-110058
 Working as AAO in DPC Committee,
 Kashmere Gate, New Delhi
10. Vidya Rani, w/o Sh. DV Sachdeva,
 Age about 51 years,
 R/o 157/8, Model Town, Gurgaon,
 Working as AAO in Dte. Of Audit,
 Delhi Secretariat, New Delhi
11. Bhupesh Chander Pandey, S/o LD Pandey,
 Age about 43 years,
 R/o Flat No.131, 2nd Floor, Sec-17,
 Pocket-E, Peepal Appt., Dewarka,
 New Delhi-110075,
 Working as AAO in PAO-IX, Old Secretariat,
 Delhi
12. Sanjay Kumar Shrivastava,
 S/o CP Shrivastava,
 Age about 49 years,
 R/o D-186-B, Mohan Garden, New Delhi
 Working as AAO, in the O/o Dte. Of Audit,
 Delhi Secretariat, New Delhi-02

13. Shivani Mehta w/o Sumat Mehta,
Age about 44 years,
R/o 72-A, Vikrant Enclave,
Mayapuri, New Delhi-64
Working as AAO in ASBG Hospital,
Moti Ngr, Delhi
14. Prabhash Nandan Sahay, S/o SN Sahay,
Age about 46 years,
R/o 84C, Anukampa Apptt.,
AK IV, Indirapuram,
Working as AAO in DGHS (HQ)
Karkardooma, Delhi
15. Akhilesh Kumar Dube,
S/o SD Dube,
Aged about 42 years,
R/o B-50/G-1, Dilshad Colony,
Delhi-110095
Working as AAO in AIACTR Gita Colony,
Delhi-110053
16. Girish Kumar, S/o Sh. RCS Rajput,
Age about 46 years,
R/o T-11, Shukar Bazar, Uttam Nagar,
New Delhi
17. Hemlata W/o Sh. Sanjay Bhambri,
Age about 47 years,
R/o L-388, Rishi Nagar, Rani Bagh,
New Delhi
18. Manoj Kumar S/o Lt. Sh. Kushal Chand,
Age about 47 years,
R/o G-4/184, Sector 16, Rohini,
Delhi 110085
Working as AAO in Delhi Tech. University,
Deli-42
19. K. Lakshmi Devi W/o sh. Sankar H.,
Age about 47 years,
R/o A-2/402, Satyam Apptt.,
Vasundhara, Delh-96
Working as AAO in Dte. Of Audit,
Secretariat, Delhi
20. Ruchi Bali W/o Manmeet Singh,

Age about 47 years,
 R/o While Apartments, H.No.89, Meera Bagh,
 Paschim Vihar, New Delhi
 Working as AAO in DTTE, ITI,
 Mangolpuri, New Delhi

21. Vandana Gupta, W/o Sh. Parmod Gupta,
 Age about 49 years,
 R/o WZ-2118, Rani Bagh, Delhi-34,
 Working as AAO In Transport Deptt.
 5/9 UHR, Delhi
22. Giridhar Prasad, S/o Sh. Nathan Prasad,
 Age about 44 yeas,
 R/o H. No.75, Gali No.11, VG Extn.
 Uttam Ngr. Delhi
 Working as AAO in PWD, Delhi
23. Indu Sethi w/o Sh. Bobby Joy Sethi,
 Age about 47 years,
 R/o G-8/2, Sector 11, Rohini, Delhi-85
 Working as AAO in Dte. Of Audit,
 Secretariat, Delhi
24. Bishnu Prasad Swain S/o RC Swain,
 Age about 42 years,
 R/o 42 Gr. Floor, New Kondli,
 DDA Flats, Delhi 110096
 Working as AAO in HPE Division,
 LN Setu, Delhi-02
25. Naveen Sharma,
 S/o Mahavir Prasad Sharma,
 Age about 35 years,
 R/o D-1/131-132, 2nd Floor,
 Sec.11, Rohini, Delhi
 Working as AAO in Dr. Ambedkar Hospital,
 Delhi-85
26. Sanjay Kumar S/o Sh. Nand Lal,
 Age about 46 years,
 R/o 96/3-18, Laxmi Garden, Gurgaon,
 Working as AAO in PAO-6, Tis Hazari,
 Delhi-110054
27. Brahmchari shailesh Bhardwaj,
 S/o S. CJ Pandey,
 Age about 42 years,

R/o H.No.101, 3/575, Vasundhara,
 UP-201012,
 Working as AAO in the O/o Div. Commissioner,
 5, Sham Nath Marg, Delhi-110054

28. Neera Mathur w/o Rajeev Mathur,
 Age about 53 years,
 R/o B-804, Airport Apptt., Sector-47,
 Gurugram
 Working as AAO In Central Jail, Prison Deptt. Delhi
29. Navin Kalia, s/o VP Kalia,
 Age about 46 years,
 R/o H-406, Naraina Vihar, New Delhi-110028
 Working as AAO in PAO-13, DFS Building,
 Delhi-60
30. Kusum late w/o Davinder Kumar Kalra,
 Age about 46 years,
 R/o A13, Shivaji Vihar, Janta Colony,
 New Delhi-27
 Working as AAO in PWD, M-132,
 Tihar Jail, Delhi-27
31. Anand Kumar Singh S/o Rajnandan Singh,
 Age about 40 years,
 R/o Qtr. No.518, Type-II,
 NH-4, Faridabad-121001
 Working as AAO in the Dte. Of Audit,
 Secretariat, Delhi
32. Arup Ghosh s/o late Sh. NK Ghosh,
 Age about 43 years,
 R/o K-2024, Chittaranjan Park,
 New Delhi-110019
 Working as AAO in Food, Supplies & Consumer Affairs,
 K-Block, Vikash Bhawan, New Delhi-02
33. Sushil Singh Kunwar, S/o Sh. Mohan Singh Kunwar,
 Age about 44 years,
 R/o Block-J1/9A, Flat No.7, Gupta Colony,
 Khirki Extn. Malviya Nagar, New Delhi-110017
 Working as AAO in the O/o Pt. Madan Mohan Malviya
 Hospital, Malviya Nagar, New Delhi-110017
34. Manish Kumar Jain s/o Sh. NK Jain,
 Age about 44 years,
 R/o A-90, 3rd Floor, Gali No.2,

West Vinod Nagar,
 (North Block), Near Naina Devi Mandir,
 Delhi-110092
 Working as AAO in Women & Child Development
 Department, Kingway Camp, Delhi

35. Shakuntala Dudani w/o Sh. Ravi Dudani,
 Age about 51 years,
 R/o E-116 GF, Amar Col. Lajpat Nagar,
 Delhi-24
 Working as AAO in Food & Supply Deptt.
 Vikas Bhawan, New Delhi-02
36. Sangeeta Bansal W/o Pankaj Kumar Bansal,
 Age about 47 years,
 R/o 117, FF Parmarth Aptt.
 D Block, Vikas Puri, Delhi,
 Working as AAO in the O/o PAO 14,
 DFS Building, Shanker Road, New Delhi
37. Meena Vasishth W/o Raakesh Vasishth,
 Age about 53 years,
 R/o 138, Mukherjee Park, New Delhi-18,
 Working as AAO in Weights and measurement Deptt.,
 Vikash Bhawan, New Delhi-02
38. Prakash Chander Tewari,
 S/o Sh. NB Tewari,
 Age about 48 years,
 R/o 1657, Sector 5 RK Puram,
 New Delhi-110022
 Working as AAO in the O/o Transport Department,
 5/9, under Hill Road, Delhi-110054
39. Raj Upreti w/o Sunil Datt Upreti,
 Age about 45 years,
 R/o G-201/1 2nd Floor Gautam Nagar,
 New Delhi,
 Maulana Azad Medical College, Delhi Gate, Delhi
40. Sunil Kumar Jha S/o Sh. Jitendra Nath Jha,
 Age about 42 years,
 R/o Qtr. No.368, Type-II, NH-4,
 Faridabad,
 Working as AAO in GIPMER, JL Nehru Marg, Delhi
41. Pooja Sehgal w/o sh. Raman Sehgal,
 Age about 43 years,

R/o EA-34, FF, Inderpuri, New Delhi-12,
 Working as AAO in Dte. Of Audit,
 Secretariat, Delhi-01

42. Dhruv Arora S/o OP Arora,
 Age about 46 years,
 R/o H.No.11, E-Tower No.14,
 Kidwai Nagar-E,
 Working as AAO in Dte. Of Audit,
 Secretariat, Delhi
43. Ramesh Chandra Singh Bisht,
 S/o Sh. KS Bisht,
 Age about 50 years,
 R/o 8/16, Ashoka Road, Shipra Suncity,
 Indirapuram, Ghaziabad, UP-201014
 Working as AAO in Dte. Of Audit,
 Secretariat, Delhi
44. Dilip Kumar Jha S/o Sh. Nabo Narayan Jha,
 Age about 44 years,
 R/o Gali No.3, D-Block, Pradhan Enclave,
 Burari, Delhi-110084
 Working as AAO in North Bldg. Div.,
 PWD, Delhi-06
45. Harish Chandra S/o Sh. Gobind Ram,
 Age about 44 years,
 R/o 46/D, Pocket B, Mayur Vihar,
 Ph-2, Delhi-91
 Working as AAO in H&F Wel. Deptt.
 Secretariat, Delhi
46. Sunita Devi Nautiyal,
 W/o Sh. Jagdish Nautiyal,
 Age about 43 years,
 R/o 254-255, Swayam Sewa Coop. Group Housing,
 Society, Triveni Aptt. Jhilmil Colony,
 Delhi-110095
 Working as AAO in Dte. Of Education, Old Sectt.
 Delhi-54
47. Ashok Kumar Attri s/o Harkesh
 Age about 50 years,
 R/o Kh.No.24, Gali No.7,
 Gautam Col. Narela, Delhi
 Working as AAO in CEO Officer,
 Kashmere Gate, Delhi-06

48. Ghanshyam Jha, S/o Sh. Sinheshwar Jha,
 Age about 42 years,
 R/o H.No.B1/143, DLF, Dilshad Ext.II,
 Sahibabad,
 Working as AAO in Dy. Comm.(NE),
 Nand Nagri, Delhi

49. Ashok Kumar Gupta s/o late Sh. LR Gupta,
 Age about 50 years,
 R/o S-221/86-A, Vishnu Garden,
 New Delhi-110018
 Working as AAO in DBOCWW Board Labour Deptt.
 7th Floor, A Wing Vikas Bhawan II Civil Lines,
 Delhi

50. Vivek Kumar S/o Sh. Kaushal Kumar Verma,
 Age about 43 years,
 R/o I-106, C-9, Ahinsa Khand-2, Indirapuram,
 Gzbd, Working as AAO in CD-4,
 LM Bund Office Complex, Irrigation and Flood
 Control Department, Delhi-31

51. Sunil Kumar s/o late Sh. Atam Prakash,
 Age about 46 years,
 R/o AG-I/1B Vikas Puri, New Delhi-18
 Working as AAO in PAO-7, Peeragarhi, Delhi-63

52. Praveen Kumar s/o sh. MK Arora,
 Age about 46 years,
 R/o 108/IB, Rishi Nagar,
 Shakur Basti, Delhi-34,
 Working as AAO in Dte. Of Audit,
 Secretariat, Delhi

53. Dhananjay Kumar Azad, s/o Ram Balak Singh,
 Age about 41 years,
 R/o Qtr. No.520, Type-II, NH-IV,
 Faridabad, Haryana,
 Working as AAO in Art, Culture and language Deptt.,
 Delhi Secretariat, Delhi-02

54. Parvinder Singh s/o Sh. Mohinder Singh,
 Age about 40 years,
 R/o WZ-49, Chaukhandi Extn. Tilak Nagar,
 Delhi working as AAO in Dte. Of Gurdwara Election,
 Vikas Bhawan, New Delhi-02

55. SV Narayanan s/o A. Swaminathan,
 Age about 50 years,
 R/o 47, D-15, Sector-07, Rohini, Delhi-85,
 Working as AAO in PAO-9, Civil Lines, Delhi

56. Kamal Kumar S/o Sh. Jagdish Chander,
 Age about 49 years,
 R/o WZ 93-D, 7th Street, Hari Nagar,
 Delhi-110064
 Working as AAO in Rural Dev. Deptt.,
 GNCT, Delhi

57. KP Sreekumar Menon, S/o late Shri MKP Pillai,
 Age about 52 years,
 R/o Flat No. 1807, 12th Avenue, Gaur City 2,
 Greater Noida West, Gautam Budh Nagar,
 UP-201009
 Working as AAO in Dte. Of Audit,
 Secretariat, Delhi-02

58. Sanjeev Kumar S/o Shri Chandra Kant Mehta,
 Aged about 42 years,
 R/o Flat No.18, Plot No.81, Vikram Enclave,
 Shalimar Garden, Sahibabad, Ghaziabad, UP
 Working as AAO in Drugs Control Department,
 F-17, Karkarduma, Shahdara, Delhi-110032

59. Narayan Kumar Vats, S/o sh. Nand Kumar Vats,
 Aged about 40 years,
 R/o B-1/143, G-3 DLF Col. Dilshad Extn-II,
 Ghaziabad, Working as AAO in O/o DM, Nand Nagari,
 Delhi-93

60. Radha Raman Singh, s/o Baban Singh,
 Age about 43 years,
 R/o B-1-25-81 DLF Colony, Dilshad Extn.-II
 Gzbd. Working as AAO in the
 O/o DM Nand Nagari, Delhi

61. Ms. Sreejamol T. w/o Sh. KP Saimon,
 Age about 44 years,
 R/o Qtr. No.47, ITI Staff Qtrs., Sunlight Colony,
 Ring Road, New Delhi-110014
 Working as AAO in Land & Building Department,
 B-Block, Vikas Bhawan, ITO, New Delhi-02

62. Arjesh Kumar S/o late Sh. Rattan Chand,
 Age about 45 years,

Working as AAO in Dte. Of Prosecution, GNCTD,
Tis Hazari Courts Complex, Delhi-54

- 63. Ram Poojan S/o Sh. Hari Lal,
Age about 43 years,
R/o H.No.102, Gali No.5, Gautam col. Narela, Delhi
Working as AAO in Audit Deptt. Sachiwalaya, Delhi
- 64. Kush Ojha s/o Sh. Udhari Ojha,
Age about 44 years,
R/o 47/200, Shalimar Garden Ex-I,
Sahibabad, Gzbd.,
Working as AAO, Deptt. of Arch., GNCTD,
Vikas Bhawan II, Civil Lines, Delhi-54
- 65. Balwant Kumar S/o Sh. Brahmdeo Prasad,
Aged about 40 years,
R/o Burari Village, Burari, New Delhi-110084
Working as AAO in Dte. Of Edu. Secretariate, Delhi
- 66. Vipin Kumar Rana S/o Sh. Mangat Ram Rana,
Age about 42 years,
R/o H.No.1042/3, Rajiv Nagar, Gurgaon, HR
Working as AAO in CDMO, South District, DHS,
Begumpur, Malviya Nagar, New Delhi
- 67. Chandra Mohan Sharma, s/o Sh. MP Sharma,
Age about 48 years,
R/o C-10/146, Yamuna Vihar, Delhi
Working as AAO in SCI, GNCTD, GTB Hospital,
Dilshad Garden, New Delhi

- Applicants

(By Advocate: Mr. DP Sharma)

VERSUS

Union of India through,

- 1. The Secretary,
Department of Telecommunications,
Ministry of Communications & IT,
Sanchar Bhawan, 20, Ashoka Road,
New Delhi-01
- 2. The Member (Finance), Telecom Commission,
Ministry of Communications & IT,
Sanchar Bhawan, 20, Ashoka Road,

New Delhi-110001

3. The Deputy Director General (PAF),
Ministry of Communications & IT,
Sanchar Bhawan, 20, Ashoka Road,
New Delhi-110001
4. The Pr. Chief Controller of Accounts,
Ministry of Communications & IT,
Dept. of Telecommunications, DOT Building,
Prasad Nagar, Karol Bag, New Delhi-110005
5. The Under Secretary (SEA-II),
Ministry of Communications & IT,
Dept. of Telecommunications,
Sanchar Bhawan, 20, Ashoka Road,
New Delhi-110001
6. The Under Secretary (E-III A)
Ministry of Finance, Deptt. of Expenditure,
North Block, New Delhi-110001

- Respondents

(By Advocate: Mr. Subhas Gosai)

ORDER (Oral)

Justice L. Narasimha Reddy:

The applicants are the employees of GNCTD. In the year 2013, the Department of Telecommunications issued an advertisement, inviting applications for appointment of Assistant Accounts Officer (AAO) by way of deputation. The applicants responded to the same and were appointed through letter dated 26.02.2013. They were placed in PB-2 of Rs.9,300-34,800 + Grade Pay of Rs.4800. On completion of term of the deputation, they were repatriated to the parent department.

2. The applicants submitted a representation, stating that they ought to have been placed in the Pay Scale of Rs.13,350+GP 4800 and the

same was not extended to them. It was also stated that an erroneous fixation of pay was done in their cases and made a request for correction thereof. Through an order dated 11.11.2019, the respondents rejected the representation. Before doing that, they obtained the opinion of the Department of Expenditure, Ministry of Finance. The same is challenged in this OA.

3. The applicants contend that since they were not appointed on promotion but through deputation, they should have been treated at par with the direct recruits and placed in the pay scale of Rs.13,350 with Grade Pay of Rs.4800 and that the denial of same is contrary to law.

4. Mr. Subhash Gosain, learned counsel for the respondents, on the other hand, submits that it was mentioned not only in the offer of appointment through deputation, but also the orders passed in the case of the applicants, that they will be placed in the Pay Band of Rs.9300 + Grade Pay of Rs.4800 and once the applicants have accepted the offer and joined the duty, they are precluded from challenging the same, after repatriation.

5. We heard Mr. D.P. Sharma, learned counsel for the applicants and Mr. Subhash Gosai, learned counsel for the respondents.

6. The applicants are the permanent employees of the GNCTD, occupying various posts and were in the pay scale of Rs.5200-20200 + Grade Pay of Rs.1900. On being selected and appointed as AAO in the

Department of Telecommunications by way of deputation, they were extended the pay scale of Rs.9,300+Grade Pay Rs.4800. It was indeed an phenomenal increase. The applicant did not raise any objection as to the fixation of the pay structure, when they were appointed on deputation. It is only after they were repatriated to the parent department, that they made a representation, stating they their pay structure should have been Rs.13500 with Grade Pay of Rs.4800. Hardly, any basis is shown for this. In any case, the principle of estoppel and acquiescence comes into play.

7. We do not find any merit in the OA. It is accordingly dismissed.

8. Pending MA, if any, shall also stand disposed of. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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