

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

61/35, Copernicus Marg,
New Delhi
Date : 03/02/2015

467/5

From
The Principal Registrar
Central Administrative Tribunal
Principal Bench, New Delhi

To

1. Shri B.K.Berera with Shri D.C. Vohra, Counsel for applicant in OA 971/2012, CAT, Bar Room, New Delhi.
2. Shri Somyajit Pani, Counsel for applicant in OA 789/2013 and OA 4130/2013, CAT, Bar Room, New Delhi.
3. Shri H.K.Gangwani, Counsel for respondent, CAT, Bar Room, New Delhi.
4. Shri M.K. Bhardwaj, counsel for respondents, CAT, Bar Room, New Delhi .
5. Shri Rajesh Katyal, Counsel for respondents, CAT, Bar Room, New Delhi

Regn : OA No. 971/2012 MA 1644/2014 with OA 789/2013,
OA 4130/2013

Shri S.N.Dixit & Other applicants in connected OA's

Applicant(s)

Versus

Union of India & Ors.

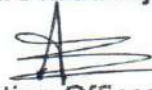
Respondent(s)

Sir,

I am directed to forward herewith a copy of Judgment/Order dated: 28/01/2015 passed by this Tribunal in the above mentioned case for information and necessary action if any.

Please acknowledge the receipt.

Yours faithfully,


Section Officer (J-II)
For Principal Registrar

Encl: As above.




M.B. Chaitanya
03/02/2015

Central Administrative Tribunal
Principal Bench, New Delhi.

OA-971/2012
MA-1644/2014
with
OA-789/2013
OA-4130/2013

Reserved on : 13.01.2015.

Pronounced on : 28.01.15

Hon'ble Mr. G. George Paracken, Member (J)
Hon'ble Mr. Shekhar Agarwal, Member (A)

OA-971/2012

1. S.N. Dixit
[Retd. Under Secretary, Ministry of
External Affairs]
U.G.No.2, Plot No.5,
Sector No.5, Rajinder Nagar,
Sahibabad(UP)-201005.
2. Harprit Singh,
[Retd. Indian Foreign Service Officer]
184, Raja Garden, First Floor,
New Delhi-110015.
3. S.L. Trighatia,
[Retd.Indian Foreign Service Officer]
R/o B-7/71, DDA Flats, Safder Jung Enclave,
New Delhi-110029.
4. B.M. Mahajan,
[Retd. Indian Foreign Service Officer]
R/o J-184 Saket, New Delhi-110017.
5. S.K. Aggarwal,
[Retd. Under Secretary, Ministry of External
Affairs]
249-F, DDA MIG Flat, Rajouri Garden,
New Delhi-110027.
6. Mahender Kumar,
[Retd. Under Secretary, Ministry of External
Affairs]

9

H.No. 1087, Sector-17, Gurgaon-1220027.

7. Ram Parkash Oberoi,
[Retd. Under Secretary, Ministry of External Affairs]
42/21, East Patel Nagar, New Delhi-110008.

8. Darshan Singh,
[Retd. Under Secretary, Ministry of External
Affairs]
Road No.2/68, Punjabi Bagh,
New Delhi-110026.

9. P.N. Sondhi,
[Retd. Under Secretary, Ministry of External Affairs]
3-B/18, Block-D Friends Colony East,
New Delhi-110065.

10. S.P. Malhotra,
[Retd. Under Secretary, Ministry of External
Affairs]
R/o 4/5, Punjabi Bagh Ext.,
New Delhi-110026.

11. Vasdev Manchanda,
[Retd. Under Secretary, Ministry of External
Affairs]
R/o A-16, Gold View Apartment,
Saket, New Delhi-110017.

12. Sushil Chandra Jain,
[Retd. Under Secretary, Ministry of External
Affairs]
R/o B-12, Aishwaryan Apartment,
Plot No.17, Sector-4, Dwarka,
New Delhi-110075.

13. G.D. Kanwar,
[Retd. Under Secretary, Ministry of External
Affairs Indian Foreign Service Officer]
R/o 9/487, Jagdish Colony,
Ballabgah-121004.

14. K.L. Khanduja,
R/o 88/A, DDA Flats,
Ashok Vihar, Phase-3,
New Delhi-52.

..... Applicants

Versus

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1. Union of India through
Secretary,
Ministry of Personnel, Public Grievances and
Pension, Dept. of Pension and Pension Welfare,
Lok Nayak Bhawan, New Delhi-110003.
2. The Secretary,
Department of Expenditure,
Ministry of Finance,
North Block, New Delhi-110001.
3. The Secretary,
Ministry of External Affairs,
South Block,
New Delhi.

.... Respondents

OA-789/2013

1. H. V. Dasan aged about 83 years
Retd Director F & A DO Telecom.
S/o A. Venkataraman
Flat No.2 CEE DEEYES Apt
370,, By pass Road, Velacheri,
Chennai-6000042.
2. G.K. Aneja aged about 74 years
Retd Director Telecom, DO Telecom.
S/o P.L. Aneja
9602 Sector-C, Pocket-9
Vasautkunj, New Delhi-110070
3. V. Ramakrishna Iyer aged about 78 years
Retd Director, DO Telecom.
S/o R.V. Maniyyer
T.C, 24/337 Sastha Coil Road
Tycaud, Thiruvananthapuram,
PIN-695014, KERALA
4. E.P. Seshadri aged about 77 years
Retd Director, F&A DO Telecom.
S/o E.S. Parameshwara Iyer
J.P.N. 24, J.P. Nagar
Thiruvananthapuram-695008
KERALA
5. K.V. Mohan Kumar aged about 68 years,
Retd Director, F&A DO Telecom.



9

S/o Velayudhan Nair
"Sitara", TC-35/2565
Valiyvila, Tirumala
Thiruvananthapuram-695006
Kerala.

6. T.C. Linganna aged about 74 years
Retd Director, DO Telecom.
S/o Chinna Kannu
15, Ganga Street, Rajaji Nagar,
Villiwakkam, Chennai-600049.

7. P.R. Gopala Krishnan Nair aged about 79 years
Retd Director, F&A DO Telecom.
S/o K.P. Raman Nair
Kavyam, 49/524, Parayad Road
Elamakkara, Kochi-682026
Kerala.

8. K. Subramanian aged about 71 years
Retd Director, F&A DO Telecom.
S/o S. Krishnamurthy,
148/2, Gitanjali Colony, 7th Avenue
Anna Nagar(West)
Chennai-600040

9. K. Gopalan aged about 73 years
Retd Director, F&A DO Telecom.
S/o V. Krishnaswamy
Flat No.11, Ganapathy Villa
New No.26, Ramachandra Street
T. Nagar, Chennai-600017

10. T.K.K. Iyengar aged about 75 years
Retd Joint Commr. Income Tax, CBDT
S/o T.S. Raghavachar
540, 22nd Cross, 14th Main
Banasankari 2nd stage
Bangalore-560070
Karnataka.

11. M. Dandhapani aged about 75 years
Retd Dy. Commr, Income Tax CBDT
S/o Muthuswamy
No.14, T.D. Main Girinagar 2nd phase
Banasankari 3rd stage
Bangalore-560085



12. N.Srinivasan. aged about 79 years
Retd Dy. Commr, Income Tax CBDT
S/o Natesan,
Site No. 94, 8th Cross,
Opposite to food world, 2nd stage
1st Phase, Chandra Layout
Bangalore-560040
Karnataka
13. V.S.N. Rao aged about 76 years
Retd DGM. DO Telecom.
S/o Srinivasa Rao,
1174 Bel Layout, 2nd Phase
1st main 1st Cross, Vidhyaranyapuram
Bangalore-560097
Karnataka.
14. M.R. Viswanatha, aged about 72 years
Retd DGM, DO Telecom.
S/o Ramaswamiaiah
72, Telecom Colony, NTY layout
Bangalore-560026.
Karnataka.
15. K.G. Shetty aged about 75 years
Retd Director, DO Telecom.
S/o M. Nagappa Shetty
53, NTY layout,
Bangalore-560025.
Karnataka.
16. B.R. Rao aged about 73 years
Retd DGM, DO Telecom.
S/o A.T. Rao
100, Telecom. Colony, NTY layout
Off Mysore Road
Bangalore-560026
Karnataka.
17. K.G. Kulgod aged about 70 years
Retd DGM. DO Telecom.
S/o Bimaj
258 AECS, 1st stage, 3rd Main
Geddalahalli, Bangalore- 560094
Karnataka.
18. M.G.N. Moorthy aged about 75 years
Retd DGM. DO Telecom.



S/o N. Gopala Sastry
77, 12th Main, BSK 2nd stage
Bangalore-560070
Karnataka.

19. M.N. Satyanarayana Rao aged about 75 years
Retd Director, DO Telecom.
S/o V. Nanjappa
1187-35-C Cross, 28th Main
4 K.T. Block, Jayanagar
Bangalore-560041.
Karnataka.

20. B.R. Shankar Rao aged about 74 years
Retd Director DO Telecom.
S/o Ramachandra Rao
991/1 E Main Road Girinagar 2nd phase
Bangalore-560085.
Karnataka.

21. S. Sathyanarayana Rao aged about 75 years
Retd Director, DO Telecom.
S/o S. Subba Rao
76-12 Main Road 29th Cross
BSK 2nd stage Bangalore-560070
Karnataka.

22. T.N. Sonwalkar aged about 77 years
Retd Director, Silk Board
Ministry of Commerce
S/o N.B. Sonwalkar
672- 9th Main 23rd Cross
Sector-7, HSR layout
Bangalore-560102
Karnataka.

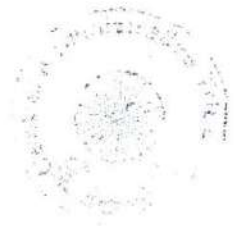
23. S.G. Vittal aged about 79 years
Retd Director, DO Telecom.
S/o S. Govinda Rao
84, 3rd Main, Dattatraya Nagar
B.S.K. 3rd stage
Bangalore-560085
Karnataka.

24. T.A. Gopalakrishnan aged about 75 years
Retd Director, DO Telecom.
S/o T.G. Ananthakrishnan
1870-32 Cross-, 10th main

9

- B.S.K. 2nd stage
Bangalore-560070
Karnataka.
25. M. Jagannath aged about 73 years
Retd Director, DO Telecom.
S/o M.S. Rao
442, 7th Cross 2nd Block
R.T. Nagar, Bangalore-560032.
Karnataka.
26. R. Subramanian aged about 71 years
Retd Director, F&A DO Telecom.
S/o T.K. Ramaswami
21/7 Kurinji Illam, Gurukkal Colony
West, Chinna Tirupathi Salem-636008
27. N.S. Balakrishnan aged about 79 years
Retd Director Costing,
Ministry of Finance
S/o N.K. Sundaresa Iyer,
503, Sundeeep Appt, Amrut Nagar
Ghatkopar West. Mumbai-400086
28. C.U. Sarma, aged about 75 years
Retd DGM, DO Telecom.
S/o Veerabhadra Rao
11-3-369, Road No.13,
Alakapuri, Hyderabad-500035.
29. P.D. Deshpande aged about 71 years
Retd DGM, DO Telecom.
S/o Damodar,
BAHAR, 124, Telecom. Nagar
Nagpur-440022.
30. A.S. Kothandaraman aged about 75 years
Retd Director, F&A DO Telecom.
S/o A.H. Sundaresan
Flat No. IV, 2nd floor, Plot-B
Parson Riverina,
10, Ammamandapam Road
Srirangam-620006.
Tamil Nadu.
31. Gopinath Tripathy, aged about 76 years
Retd Director, DO Telecom.
S/o Ramakrishna Tripathy

- 74, Madhusudan Nagar, Unit-IV
Bhubaneswar-751001.
Odisha
32. Sarjit Singh aged about 74 years
Retd Scientist, DRDO,
Ministry of Defence
S/o Harbans Singh
Vill & PO: Khurdpur, Dist- Jalandhar-144102.
Punjab.
33. A.K. Malhotra aged about 67 years
Retd. Director GSI
S/o R.C. Malhotra
Plot No. 255, Flat No. S-2, Anand Niketan
Adarshnagar, Jaipur-302004.
Rajasthan.
34. G.S. Bhat aged about 75 years
Retd Director, DO Telecom.
S/o G. Kesava Bhat
Padmakripa Ananthashayana
Karkala- 574104
Karnataka.
35. M.G.K. Nair aged about 79 years
Retd. Director I.C.A.R.
S/o C.S.V.R. Sastry
Room No. 7B, Shrimahaganapthy Sevashram,
Vattiyoor Kavu
Thiruvananthapuram-695013.
Kerala
36. H.S. Iyer, aged about 76 years
Retd. Director F&A ICAR
S/o S. Harihara Iyer
39-B Vinayak Nagar,
Thiruvananthapuram- 695018
Kerala.
37. N.V. Goplakrishnan aged about 71 years
Retd. Scientist -D DRDO,
Ministry Of Defence
S/o N.R.V. Iyer
Gokul No.13, 3rd Cross
Jayabharatha Nagar.
Bangalore-560033.
Karnataka



38. V.M. Selvaraj aged about 69 years
Retd Scientist -D DRDO,
Ministry Of Defence
S/o V.M. Manickkavelu
2562, 16-D Main Road,
HAL 2nd stage Bangalore- 560008
Karnataka.
39. V. Lakshmana Rao aged about 71 years
Retd. DGM, DO Telecom.
S/o S. Venkat Rao
A-102 prince manor
114, PH Road, Kellys, Kilpauk,
Chennai-600010
40. V. Gurumurthy aged about 71 years
Retd DGM DO Telecom.
S/o N. Venkatanarayanan
12, Sreeram Nagar, 2nd street
Vyasarpady, Chennai-600039.
41. T.S. Divakar aged about 73 years
Retd. Scientist-D, D.R.D.O,
Ministry Of Defence
S/o T.N. Shamanna
713, 8th Main Indiranagar, HAL 2nd stage,
Bangalore- 560008
Karnataka.
42. S. Ramaswamy aged about 73 years
Retd. DGM, DO Telecom.
S/o K. Sundararajan,
5, Telegraph, Colony,
Nanganallūr, Chennai-600061.
43. R. Srinivasan aged about 73 years
Retd Director, DO Telecom.
S/o S. Radhakrishnan
New 6, Kannika Colony,
2nd Street Nanganalur, Chennai-600061.
44. G. Vallinayagam, aged about 73 years
Retd. DGM, DO Telecom.
S/o V.M. Ganapatyappa Pillai
928, Maxworth Nagar
Sunnambukulathur Main Road,

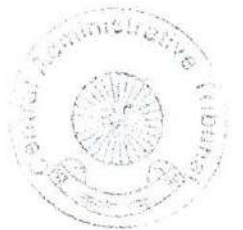
Chennai-600117.

45. N. Venugopalan aged about 72 years
Retd. DGM, DO Telecom.
S/o S. Natesan
2/26 Rajagopalan Street
West Mambalam, Chennai-600033.
46. M.N. Dange aged about 70 years
Retd. Director GSI
S/o N.D. Dange
G-2 Mitra Appt
188, Pandey Layout
Khamla, Nagpur-440025.
Maharashtra.
47. K.V.S. Bhaskara Rao aged about 64 years
Retd. Director GSI
S/o K. Narashimamurthy
122, Swami Colony
Katol Road, Nagpur- 440013.
Maharashtra.
48. L.V. Sundaram, aged about 74 years
Retd. DGM, DO Telecom.
S/o L.R. Viswanathan
H 113/1 18th Cross Street
Vasanthnagar, Chennai-600090.
49. B. Chakkavorty aged about 74 years
Retd. DGM, DO Telecom.
S/o P.C. Chakravorty
49/7, B.T. Road, Narendranagar,
Kolkata-700056.
50. Mrigendra Kumar Saha aged about 76 years
Retd. Director, DO Telecom.
S/o M.K. Saha
12/4/K Priyanath Chakraborty Lane
Baranagar, Kolkata-700035.
51. Gouresh Chandra Dev aged about 74 years
Retd. Director, DO Telecom.
S/o B.C. Dev
P-46 Tagore Park
R.N. Tagore Road Belgharia,
Kolkata-700056.

52. Proceed Kumar Ray aged about 70 years
Retd. Director, DO Telecom.
S/o B.K. Ray
114, Ashokegarh, Kolkata-700108
53. Ajit Chandra De aged about 72 years
Retd. Director, DO Telecom.
S/o Ashwini Kumar De
Flat 4A, Plot 1-51/2, Moore Avenue,
Kolkata-700040.
54. Jagatjyoti Deb aged about 74 year
Retd. Director, DO Telecom.
S/o Jagatjiban Dev
96, Subhayan Park,
Kolkata-700061
55. Dr. Satyabrata Chakravorty aged about 68 years
Retd. Director G.S.I.
S/o S.N. Chakravorty
15/8, Rajkishore Pal lane
Jadavapur, Kolkata-700075.
56. Tridib Kumar Chatterjee aged about 72 years
Retd. Director, DO Telecom.
S/o Bireswar Chatterjee
17 F Balleygunj station Road
Balleygunj, Kolkata-700019.
57. Mohit Kumar Saha aged about 75 years
Retd. DGM, DO Telecom.
S/o M.N. Saha
12-1-D Gangulipara Lane Paikpara,
Kolkata-700002
58. Amalkrishna Das aged about 75 years
Retd. Director, DO Telecom.
S/o Mahananda Das
H/1-31, S.L. Sarani, Baguihati,
Kolkata-700059.
59. K.A. Visweswaraiiah aged about 71 years
Retd. Director, DO Telecom.
S/o K. Annaiiah Sastry
253 F Block, Sahakara Nagar,
Bangalore-560092.
Karnataka.



60. K.R. Siddeswar aged about 71 years
Retd. Director, DO Telecom.
S/o R.T. Siddeswar
195, G-Block 17th Main, 7th Cross
Sahakara Nagar, Bangalore-560092.
Karnataka
61. M.S. Venkataramaiah aged about 75 years
Retd. DGM, DO Telecom.
S/o Srinivasaiah
279, F-Block, Sahakara Nagar
16th Main Bangalore-560092
Karnataka.
62. S.P. Venkatesh Jois aged about 73 years
Retd. Director, DO Telecom.
S/o S. Putta Shama Jois
722, 2nd Cross, 16th main A-Block
Sahakara Nagar, Bangalore-560092.
Karnataka.
63. S.P. Misra aged about 78 years
Retd. Director, DO Telecom.
S/o Ramanand Misra
17, Avas Vikas Colony
Batiahatta (North) Gorakhpur-273061.
Uttar Pradesh.
64. T.K. Viswanathan aged about 77 years
Retd. Director, DO Telecom.
S/o M.S. Krishna Iyer
Plot -16, Road-7 Balmiki Street
Gandhinagar, Saligramam,
Chennai-600093.
65. H.M. Nagabhushana aged about 72 years
Retd. Principal Scientific Officer,
Ministry Of Defence
S/o H. Mylraiah
86A CIL layout
2nd Main RMV Extension
Stage-II Sanjoynagar,
Bangalore-560094.
Karnataka.
66. T. Sreeranga aged about 74 years
Retd. Principal Scientific Officer,
Ministry Of Defence



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- S/o T. Thirunarayanachar
230, 15th Main Bhanasankari
2nd Stage Bangalore-560070.
Karnataka.
67. B. Rajasekhar aged about 71 years
Retd DGM, Do Telecom.
S/o B. Satyanarayana Sarma
126, 8th Cross, Soudhamini Layout
Konanakunte, Bangalore-560062.
Karnataka.
68. G.R. Sundaram aged about 71 years
Retd. Director Ordinance Factory,
Ministry Of Defence
S/o G.S. Ramaswamy
D-102, Payal palace Apartment
7th Main, 3rd Block, 4th stage
Basaveswarnagar, Bangalore-560079.
Karnataka.
69. T.V. Seshadri aged about 71 years
Retd. Principal Scientific Officer,
Ministry Of Defence
S/o T.V. Venkatachar,
B-1/8, 1st main Road,
Reliable Lake view residency,
Halur Road,
Bangalore-560102.
Karnataka.
70. V.R.K. Iyengar, aged about 71 years
Retd. DGM, DO Telecom.
S/o S.V. Rangachar
"Shriswetadri"
39/9B, 1st E Cross, Remco Layout
Vijayanagar, Bangalore-560104.
Karnataka.
71. A. Thulasi Das aged about 73 years
Retd. Director Met. Department
S/o A. Parthasarathy Naidu
5/8 B.D.A. Flat B.T.M. layout
Bannerghatta Road
Bangalore-560076.
Karnataka.

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72. Amitabh Roy aged about 66 years
Retd Director GSI
S/o J.P. Roy
Flat No.12, Mahendra Villa
45, K.P.Road, Behala, Kolkata-700060
73. A.S. Banerjee aged about 73 years
Retd Director GSI
S/o Ganganarayan Banerjee
C-4, Green Wood HSG Co-Op Ltd.
315-B Upen Banerjee Road,
Kolkata-700060.
74. S.K. Basu aged about 67 years
Retd. Director GSI
S/o Harendra N. Basu
Flat- No.4- 31M H Block Group-II
Patuli Township,
Kolkata- 700094.
75. Abhjit Ghosh aged about 74 years.
Retd Director GSI
S/o Berendra Nath Ghosh
B-7/2, 68/1 Bagmari Road,
Kolkata-700054.
76. S.P. Banerjee aged about 74 years
Retd Director GSI
S/o Gopalchandra Banerjee
DB-II Flat -115 Sector-I Salt Lake City,
Kolkata-700064.
77. B.B. Mullick aged about 73 years
Retd. Director GSI
S/o Ajit Kumar Mullick
Vill- Narendrapur
PO- Munsirhat, Dist- Howrah-711410.
78. Subhas Chandra Ray aged about 72 years
Retd. Director DO Telecom.
S/o Dwarka Nath Ray
Flat 211 Block-34, Parnasreepally
Govt. quarters,
Kolkata-700060.
79. Kulendu Das Gupta aged about 75 years
Retd. Director DO Telecom.
S/o Suresh Chandra Das Gupta

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67, Flat-D Jadunath Mukherjee Road,
Behala,
Kolkata-700034.

80. Pranab Kumar Basu aged about 71 years
Retd. Director DO Telecom.
S/o Hirendranath Basu
BJ-175 Salt lake Sector-II
Kolkata-700091.

81. Subhas Chandra Basu aged about 70 years
Retd. Director, DO Telecom.
S/o Radharaman Basu
CD-279 2nd floor Sector-I
Saltlake City, Kolkata-700064.

82. Sudhir Chandra Haldar aged about 69 years
Retd. Director DO Telecom.
S/o Suresh Chandra Haldar
31 New Road Mandirpara Birati
Kolkata-700051.

83. Nityagopal Kundu aged about 74 years
Retd. DGM DO Telecom.
S/o Kanailal Kundu
41-A Narendra Nagar, Belghoria,
Kolkata-700056.

84. R. Subramanian aged about 72 years
Retd. DGM DO Telecom.
S/o E.N. Ramanathan
RA-A-703 Poorva Riveria Apartment
Marathapally, Old Airport Road,
Bangalore-560103.
Karnataka.

85. R. Varadarajan aged about 71 years
Retd. Director DO Telecom.
S/o V. Ramamoorthy
2-B Srinivas Apartment
46/48, Unnamalai Ammal Street
T. Nagar, Chennai-600017.

86. M.C. Kesavamurthy Rao aged about 79 years
Retd. Deputy Commission
Ministry of Water Resources
S/o Chakrapani Rao MR
770, 16th Main 17th Cross, Banasankari 2nd Stage,

9



Bangalore-560070, Karnataka.

87. T.N. Ganapathy aged about 72 years
Retd. DGM, DO Telecom.
S/o T.S. Nagarajan
9/15 10th Street,
Shantinagar, Adambakkam,
Chennai-600088.

88. R. Ganapathyraman aged about 70 years
Retd. DGM, DO Telecom.
S/o Rama Iyer
4-151 Parvatipuram ,Nagarcoil- 629003.
Tamil Nadu.

89. N. Parthasarathy aged about 72 years
Retd. Director DO Telecom.
S/o N. Srinivasan
9, East Tank Street, Triplicane,
Chennai-600005

90. A.V. Chepe aged about 74 years
Retd. Director GSI
S/o A. Bhalachandra Chepe
14, Dindayalnagar, New Friends layout,
Nagpur-440022.
Maharashtra.

91. G.C. Satyanarayanan aged about 73 years
Retd. Director GSI
S/o GSR Krishna Iyer
71, Dindayal Nagar, New Friends Layout,
Nagpur-440022.
Maharashtra.

92. S.S. Bose aged about 69 years
Retd. Director GSI
S/o Sripada Bose
FD-220/2, Sector-III, Salt Lake City
Bidhan Nagar,
Kolkata-700016.

93. S. Mohan Gandhi aged about 78 years
Retd. Joint Commissioner of income Tax
CBDT, Ministry of Finance
S/o Dr. R. Sundararajan
188A Thatheneri Main Road,

9

- Dr. Sundara Rajan Nagar
Madurai-625-018.
Tamil Nadu.
94. G. Natarajan aged about 77 years
Retd. Joint Commissioner of Income Tax
CBDT, Ministry of Finance
S/o K. Guruswamy
New No.1 old No.38, G, Block 8th street
Anna Nagar,
Chennai-600040.
95. P.K.S. Manian aged about 71 years
Retd DGM DO Telecom.
S/o P.S. Krishna
27/5 Rupam Apartments
Pondicherry Road, Kotturpuram,
Chennai- 600085.
96. P.N. Alace aged about 72 years
Retd DGM, DO Telecom.
S/o Perianayagam
2, 7th Street Rajajinagar, Villiwakkam,
Chennai-600049.
97. R. Ganesan aged about 74 years
Retd. DGM, DO Telecom.
S/o N. Rajagopalan
817-A prestige, Shantiniketan
Near ITPL, White Field Road,
Bangalore-560048.
Karnataka
98. V. Narayananan aged about 75 years
Retd Joint Commr. CBDT
S/o venkataraman
C/o G. Kumar
New No.3- III Avenue, Basant Nagar,
Chennai-600090.
99. Dr. Barin Chatterjee aged about 71 years
Retd. Director GSI
S/o N.C. Chatterjee
Flat- HIG-B-1/4, Calcutta Green,
Phase-I, 1050/2 Survey Park,
Kolkata-700075.
100. R. Aravamudan aged about 73 years
Retd. Joint Commr. CBDT

S/o R. Raghavachari
Flat No.12, 1st floor Mahalaxmi Flats
137/138 Pilliarkoil Street Jafferkhanpet,
Chennai-600083.

101.M.V. Sankaranarayanan aged about 77 years
Retd. Director F&A DO Telecom.
S/o M.R. Venkatachalam
46, Kailash Apartment 45,
I- P-Ext. Delhi-110092.

102.Priya Gopal Goswami aged about 75 years
Retd. Director, DO Telecom.
S/o Srigopal Goswami
No.3 Khelati Babu Lane
Belgachhia, Kolkata-700037.

103.S.A. Pandhare aged about 71 years
Retd. Director GSI.
S/o Appaji
Flat- A-2/403, Rahul Towers
Right Bhusari Colony Kothrud,
Pune-411038.
Maharashtra

104.D. Rajasekaran aged about 77 years
Retd. Joint Commr. CBDT
Ministry of Finance
S/o B.M. Duraiswami
New 78, Old V-99, 5th main Road
Anna Nagar, Chennai-600040.

105.T.V. P. Rao aged about 77 years
Retd. Director, DO Telecom.
S/o T. Ananda Rao
A-17 Kakatia Appts Plot-86
I-P Extn Patparganj, Delhi-110092.

106.C. Obuleshu aged about 73 years
Retd. Director F&A, DO Telecom.
S/o Chinta Narasimhappa
Flat- No. 304, Sri Srinivasa Vihar Appts.
Rukmanipuram, A.S. Rao Nagar,
Hyderabad-500062.

107.K.G.S. Subramaniam aged about 80 years
Retd. Director, DO Telecom,
S/o A.S.R. Krishna Iyer



F-3 Vijay Castle
7th Street Laxmi Nagar, 1st stage
Nanganallur, Chennai-600061.

108. Sachidananda Sakha Mondal aged about 76 years
Retd. Director, DO Telecom.
S/o Bankim Chandra Mondal
Roy Nagar Dimond Harbor,
PO/ Dist- South-24 Parganas-743331.

109. S. Pachiappan aged about 73 years
Retd. Director F&A, DO Telecom.
S/o S. Murugesu Mudali
205, Krishna Residency
AIR by pass Road, Annamiah Marg,
Trirupathi-517501.
Andhra Pradesh.

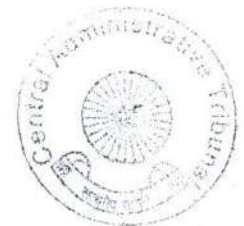
110. S.W. Khankoje aged about 80 years
Retd. Director, DO Telecom.
S/o W.R. Khankoje
Plot- No. 74, 3/721 Nehru Nagar
Bilaspur-495001.
Chattisgarh.

111. S. Sundaram aged about 79 years
Retd. Director, DO Telecom.
S/o K.S. Subramaniam
Old 12, New 22- Sivaraman Street
Mandavali Chennai- 600028.

112. G.V. Radhakrishnan aged about 76 years
Retd. Dy. G.M. DO Telecom.
S/o G.S. Venkataraman.
Old 8, New 3/4, 3rd Street Gill Nagar,
Chennai-600014.

113. K.S. Prakash Murthy aged about 59 years
Retd. Scientist -D DRDO
Ministry Of Defence
S/o K. S.N. Murthy
Flat- 705 Block-D Mantri Tranquil
7/9/13 Gubblala Off Kanakapura Road
Bangalore-5600061.
Karnataka.

114. Mrs. Pramila S. Chabria aged about 66 years
Retd. Scientist -D DRDO



Ministry Of Defence
Wife of Mr. Shyam Chabria
No.5, 2nd cross, N.S. Iyengar Street,
Sheshadripuram,
Bangalore. 560020.
Karnataka.

115. Mrs. T.S. Prabhavati aged about 66 years
Retd. Scientist -D DRDO
Ministry Of Defence
Wife of Sri D.S. Nagraj
No.16 2nd Main Road Tata Silk Farm
Basavangudi, Bangalore-560004.
Karnataka.

116. Mr. V.K. Govardhan aged about 69 years.
Retd. Dy. CME (SE RLY.)
S/o V. Kanakaiah
32-77/13 (SR-40) Sitharam Nagar
New Safilguda, R.K. Puram,
Hyderabad-500056.

117. N. Dinakar kale aged about 78 years
Retd. Scientist -D DRDO
Ministry Of Defence
S/o Sri Nanjappa
4, Arachana apartment (S-1)
12th Cross Margosa Road,
Malleswaram, Bangalore-560003.
Karnataka.

118. M.V. Joga Rao aged about 81 years
Retd. Director GSI
S/o Konekti Rao
402, Niltarang Apartments
Plot- No.9 Amravati Road
Nagpur-440033.
Maharashtra.

119. A.C. Khare aged about 71 years
Retd. Director GSI
S/o Banwarilal Srivastava
D-3 Mulick Complex, Somalwada,
Nagpur-440025.
Maharashtra.

120. G.K. Sudheendra aged about 62 years
Retd. Scientist -D DRDO



Ministry Of Defence
S/o G. Krishnamurthy
No.8 to Sukhasampada, Green Field-II Layout
Singapur Gardens, Kanakapura Road,
Doddakalaba Sandra, Bangalore-560062.
Karnataka.

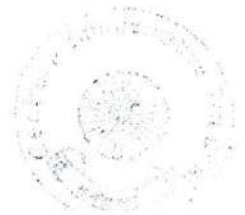
121.R.S. Subba Rao aged about 72 years
Retd. Scientist -D DRDO
Ministry Of Defence
S/o R. Sankara Rao
No.878, 19th main 14th cross
BSK-II 2nd stage, Bangalore-560070
Karnataka.

122.U.G. Uppin aged about 69 years
Retd. Scientist -D DRDO MOD
S/o G.V. Uppin
32, NHCS layout Cauveri Nagar
Magadi Road, Bangalore-560079.
Karnataka.

123.K.V. Jagdish aged about 58 years
Retd. Scientist -D DRDO
Ministry Of Defence
S/o K. Venkobasa
24, 8th Cross 1st, Main
Prashanta Nagar, Bangalore-560079.
Karnataka.

124.H. Achutha aged about 73 years
Retd. Scientist -D DRDO
Ministry Of Defence
S/o H. Gopal Rao
983, Gopal Service Road,
RPG Layout, Hampinagar,
Bangalore-560104.
Karnataka.

125.M.S. Seshadri aged about 68 years
Retd. Chief Admn Officer,
Western Naval Command
Ministry Of Defence
S/o Srinivasachari
S-5 Prababati Garden apartments
1st Cross Lake City Layout, Kodichikkanahalli
Near Bus stop, Bangalore-560076.
Karnataka.



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126. Narendra Nath Biswas aged about 76 years
Retd. Director DO Telecom.
S/o Harinath Biswas,
Flat No.C/3, Ideal Association, VIP Road
CIT scheme VII M, Kolkata-700054.
127. K.L. Mishra aged about 78 years
Retd. Director GSI
S/o Padamnath Mishra
170-A/549 Sainik Colony,
Faridabad.-121001.
Haryana.
- 128.K. Vasudevan aged about 62 years
Retd Joint Commr. of Income Tax, CBDT
S/o S. Krishnaswami
Flat 11, Block-E
Golden Jubilee Apartment Anna Main Road.
K.K. Nagar, Chennai-600078.
- 129.B.S. Venkatanarasaiah aged about 71 years
Retd Joint Commr. of Income Tax, CBDT
S/o B.V. Suryanarayanaiah
Ashadeep 682 12th cross-, 7th Block
West, Jayanagar, Bangalore-560082.
Karnataka
130. L. Gurusamy aged about 67 years
Retd Dy. Commr. of Income Tax, CBDT
S/o S. Laxminarashimahan
139, K.S. Ramaswami Street
K.K. Pudur Coimbatore-641038.
Tamil Nadu
- 131.P. Vijayakumar aged about 64 years
Retd Dy. Commr. of Income Tax, CBDT
S/o E.P. Parameswaran
Vysakhm, 23/208-A, Gramam Road
(Sivam Coil Road) Tattamangalam,
Palakkad Dist- 678102.
Kerala
132. K. Padmanabhan aged about 77 years
Retd Dy. Secretary Ministry of Finance
S/o S. Krishnamurthy
119, DDA Flat Sector-V, Dwarka,
New Delhi-110075.

- 133.A.K. Mukhopadhaya aged about 67 years
Retd. Director GSI
S/o Sisir Kumar Mukhopadhaya Flat No.2,
31/M, Block-H Patauli Township,
Kolkata-700094.
134. K. Vaidyanathan aged about 75 years
Retd Dy. Commr. of Income Tax, CBDT
S/o N.R. Krishna Iyer
15 Old,47-New, North Usman Road,
T. Nagar, Chennai-600017.
- 135.J. Nagarajan aged about 62 years
Retd. Senior Social scientist (S-21)
Ministry of Urban Development
S/o S. Jayaraman
AO-31, Kalakunj,
TCPO Officers CGHS Ltd.
Shalimar Bagh, New Delhi-110088.
- 136.Prakash Chandra Bhushan aged about 81 years
Retd Principal Zonal Training School West Rly
S/o K.C. Sharma
"Shardeya" Shiv Colony, Kundan Nagar,
Ajmer-305007 (Rajasthan)
- 137.D.C. Soni aged about 76 years
Retd DGM DO Telecom
S/o R.R. Soni
67, Ganga Appartment, Alaknanda
Kalkaji, New delhi-110019.
- 138.D. Veerabhadra Rao aged about 79 Years
Retd. Director F&A DO Telecom
S/o D. Seetharamamurthy
45-57-17, Narasimha Nagar
Saligramapuram, Visakhapatnam-530024
Andhra Pradesh.
139. Mohd. Reeza aged 60 years
Retd. Joint Commissioner of Income Tax CBDT.
S/o A. Abdul Rahim
397-A, VGR Puram,
Alagesan Road, Sai Baba Colony
Coimbatore-641011
Tamil Nadu

140.Indu Bhushan Chhibber aged about 79 years
Retd. Director GSI.
S/o Bakshi Krishandas Chibbar
302, 3rd Floor, Springdale -I, Sterling Apartments
Raj Nagar, Nagpur-440013
Maharashtra.

141.Jagdeesh Narayan Mehrotra aged 78 years
Retd. Director (JAG-S-21) Indian Railways
S/o R. N. Mehrotra
3/106, Vishal Khand, Gomti Nagar,
Lucknow-226010
Uttar Pradesh

142.Smt. Sulbha Arvind Kulkarni.
W/o Late A.G. Kulkarni
Retd. Dist. Manager DO Telecom
C/o Raju A. Kulkarni
GF-9, Thakkar Bazar
New CBS, Nashik-422001
Maharashtra

143.All India Central Confederation of Pensioner Associations
Through its Secretary General
Sh. Ramachandran S.S.
having office at
144, New Suryakiran Apts,
Plot No.65, 5th avenue,
I.P.Extn., Patparganj,
Delhi-110092

.....Applicants

Versus

1. Union of India
Through its Secretary
Dept. of Expenditure
Ministry of Finance
Central Secretariat
North Block
New Delhi-110001
2. The Secretary
Dept of Personnel & Pension
Administrative Reforms and Public Grievance
5th Floor, Sardar Patel Bhawan,
Sansad Marg,
New Delhi-110001

....Respondents

[Handwritten signature]

OA-4130/2013

1. S.K. Balasubramanian, aged about 73 years
Retd Director Avadi Heavy Vehicles
Factory (MOD)
S/o S. Krishnamurthy
Ram Manar, 2nd Floor,
42-M.G., Chakrapani Street,
Sathya Garden, Saligramam,
Chennai-600093.
2. R. Surendra Babu, aged 66 years
Retd Scientist-D, DRDO (MOD)
S/o A. Ramaswamy,
5/1 'OMKARA', 6th F Cross,
Kaggadasapura, C.V. Raman Nagar,
Bangalore-560093.
3. Tilak Raj Dutt, aged about 66 years
Retd Scientist-D, DRDO (MOD)
S/o Om Prakash Dasita,
101, Shakti Regency, 6th Main
Kaggadasapura, C.V. Raman Nagar,
Bangalore-560093.
4. J. Nicholas Babu Rao, aged about 62 years
Retd Scientist-D, DRDO (MOD)
S/o Santhoji Rao,
22/2, 2nd Cross Road, Vivekananda Nagar,
Bangalore-560093.
5. Dr. C.K. Pandey, aged about 73 years,
Retd Director (Geology) – GSI
S/o B.K. Pandey
"BRIJASHRYA" CM 11/1, Sector-B,
Aliganj, Lucknow-226024, (UP).
6. Madhav Kumar Gupta, aged about 61 years
Retd Dy. General Manager,
Canteen Stores Deptt. (MOD)
S/o Dr. R.K. Gupta,
A-401, Venus Building,
Chikuwadi, Borivali (W),
Mumbai-400092.

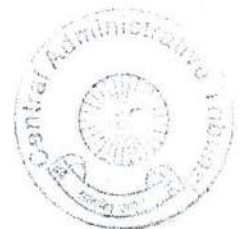
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7. Dr. P.K. Raju, aged about 77 years
Retd. Associate Professor-Indian Institute
of Astrophysics, Dept. of Science & Technology,
S/o P.M. Krishnaswamy,
18 BHCS Layout, 1st Main end Cross,
Bannerghatta Road,
Bangalore-560076.
Karnataka.
8. K.Y. Srinivasan, aged about 79 years
Retd. Dy. CME Rlys.,
S/o K.Y. Ramanujachari,
69-A, 1st Floor, U.R. Nagar Extension,
Anna Nagar West Extn.,
Chennai-600101.
9. G. Srinivasan, aged about 77 years
Retd. Director Finance, DO Telecom,
S/o D. Gopalan,
39/17, 1st Street, LIC Colony,
Dr. Radhakrishnan Nagar,
Thiruvanmiyur, Chennai-600041.
10. K.K. Bansal, aged about 77 years
Retd. Dy. G.M. DO Telecom
S/o Ram Babu,
15 Shayona Bungalows,
Part-I, R.C. Tech Road,
Ghatlodia, Ahmedabad-380061.
11. All India Central Confederation
of Pensioner Associations
through its Secretary General
Sh. Ramachandran S.S. having
Office at 144, New Suryakiran Apts,
Plot No. 65, 5th avenue,
I.P. Extn., Patparganj,
Delhi-10092.

.... Applicants

Versus

1. Union of India through
Its Secretary,
Dept. of Expenditure,
Ministry of Finance,
Central Secretariat,
North Block,
New Delhi-110001.



2. The Secretary,
Dept. of Personnel & Pension,
Administrative Reforms and Public Grievance
5th Floor, Sardar Patel Bhawan,
Sansad Marg,
New Delhi-110001.

..... Respondents

Present : Sh. B.K. Berera with Dr. D.C. Vohra and Sh. Soumyajit
Pani, counsel for applicants.
Sh. H.K. Gangwani, Sh. Rajesh Katyal and Ms. Priyanka
M. Bhardwaj, counsel for respondents.

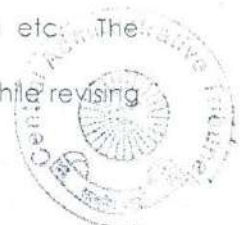
ORDER

Mr. Shekhar Agarwal, Member (A)

The issue involved in these three OAs is the same. Hence, they were heard together and are now being disposed of by this common order. For the sake of convenience, facts of OA-971/2012 (S.N. Dixit & Ors. Vs. UOI & Ors.) are being discussed.

2. The applicants are retired officers of the Government of India. Prior to their retirement, they were drawing pay in different pay scales, such as, S-12, S-19 and S-22 as per recommendations of 5th Central Pay Commission (CPC). Thereafter, Govt. of India had constituted 6th CPC to work out the revised pay structure of the employees. This Commission was constituted when the existing pay scales had become redundant because of increase in cost of living and inflation etc. The applicants have contended that Pay Commissions while revising

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the pay scales kept all these factors in view and gave commensurate increase to all categories of Government servants. The 6th CPC also in its report had recommended that those working in scales S-24 to S-27 be placed in PB-3 along with those working in scales S-19 to S-23. However, subsequently those working in scales S-24 to S-27 were shifted to PB-4 resulting in phenomenal and disproportionate increase in salaries and pensions of such persons. This action was taken by the Government on the basis of a report of the Committee of Secretaries set up subsequent to the 6th CPC report. The applicants have enclosed a chart showing that Pay Commission had recommended an increase of 21.5% in the pension of all those working in the grades S-1 to S-23. However, due to the action taken by the respondents on the basis of the report of the Committee of Secretaries, those working in S-24 to S-27 were shifted from PB-3 to PB-4. Consequently, percentage increase in their pension rose as much as 73.3% for S-24, 64.1% for S-25, 51.1% for S-26 and 51.1% for S-27. Further, even in higher grades from S-28 to S-34 the percentage increase in pension comes to 81.2% in the case of S-31, 78.2% in the case of S-28, 60.8% in the case of S-30, 78.8% in the case of S-32, 65.3% in the case of S-33 and 61.3% in the case of S-34. Thus, there is wide disparity in the increase in pension.

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3. The contention of the applicants is that for undisclosed and unexplained reasons and clear disregard of unambiguous recommendations of 6th Pay Commission, the respondents have extended undue benefit to those working in the scales S-24 to S-27. The applicants referred their case to the Anomaly Committee constituted under the auspices of Joint Consultative Machinery. They were, however, informed vide letter dated 19.02.2010 that since their grievance related to Group-A officers, it cannot be considered by the National Anomaly Committee. They were further advised to raise their grievance before the Department of Expenditure, which they did. However, their representation remained pending for disposal despite exchange of correspondence between Department of Expenditure and Ministry of External Affairs. Consequently, the applicants filed OA-191/2011 for redressal of their grievance. This was disposed of by the Tribunal vide its order dated 21.10.2011 with a direction to the respondents to decide the representation of the applicants and pass appropriate orders within a period of three months. In compliance thereof, the respondents have vide their order dated 04.01.2012 rejected their request. Thereafter, the applicants filed the present O.A. This was disposed of by the Tribunal on 28.01.2013 with a direction to the respondents to place the representations of the applicants before the Committee of Secretaries for decision. When no action was

taken for complying with this order, the applicants filed CP-251/2013 for initiation of contempt proceedings. The respondents on their part filed Review Application-130/2013 seeking a review of the order on the ground that the order of the Tribunal was unimplementable as the Committee of Secretaries before which the Tribunal had directed the representations of the applicants to be placed, was no longer in existence. The respondents had stated that this Committee had been constituted only for the purpose of considering the recommendations of 6th CPC and had been wound up since then. In view of the aforesaid submissions of the respondents, the Review Application was allowed and this O.A. was restored for hearing afresh.

4. The contention of the applicants is that the Committee of Secretaries has tinkered with the recommendations of Pay Commission to extend undue benefits to those working in S-24 to S-27 by shifting them from PB-3 to PB-4. This is discriminatory and without any rationale. Moreover, this was done without considering grant of enhanced benefits to the applicants working in different lower grades. The respondents have not considered the basic principles laid down by Hon'ble Supreme Court while fixing the pay scales. The applicants have further contended that while they have no grudge against grant of

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enhanced benefits to pensioners serving in S-24 and above, they earnestly requested that rate of benefits for all grades should be identical and in consonance with the mandate of the Constitution and recommendations of the 6th CPC. While it was open to the Government to accept or reject the Pay Commission's report, it was not open to them to selectively give bounty to some and reduce benefits to some others. While doing so, no intelligible differentia for classification was done and hence this action is arbitrary. Hon'ble Supreme Court in the case of **D.S. Nakara & Ors. Vs. UOI**, 1983 AIR 130 has observed as follows:-

"The basic principle which informs both Article 14 and 16 is equality and inhibition against discrimination. Article 14 strikes at Arbitrariness because any action that is arbitrary must always involve negation of equality. Article 14 forbids class legislation but permit reasonable classification for the purpose of legislation which classification must satisfy the twin tests. Classification being founded on an intelligible differentia which distinguishes persons or things that are grouped together from those that are left out of the group and that differentia must have a rational nexus to the object sought to be achieved by the statute in question.....Legislative and executive action may accordingly be sustained if it satisfies the twin test of reasonable classification and the rational principle correlated to the object sought to be achieved. The burden of proof lies on the state to affirmatively establish that those twin tests have been satisfied. The state must therefore, not only establish the rational principle on which classification is founded but correlate it to the object sought to be achieved."

Further, they have argued that the action of the Government in treating equals as unequals falls foul of Articles 14 and 16 of the Constitution. If the Government had the resources to give a

massive spurt in the pay to those working in S-24 to S-27, there was no reason to deny same benefits to the applicants. The applicants had legitimate expectations while seeking this relief and the unfair and arbitrary action of the Government belies the same. The applicants' case has not even been considered at the appropriate level as their representation was rejected by Secretary (Expenditure), who was not competent authority to do so as the tinkering in the recommendations of Pay Commission had been done on the basis of the report of Secretary. On these grounds, the applicants have prayed that their O.A. be allowed.

5. In their written submissions made on behalf of the applicants, learned counsel Dr. D.C. Vohra and Sh. B.K. Berera have stated that the Committee of Secretaries while giving their report completely ignored the submissions made by the staff side before the Joint Consultative Machinery. The recommendations of Secretaries' Committee smacked of irrational classification, hostile discrimination and conflict of interest inasmuch as higher quantum of benefits were suggested to pay scales S-24 to S-34. The Committee also violated the caution suggested by the Pay Commission, which was as follows:-

"The Commission at the very outset would like to underline the fact that this report is a holistic document and has to be treated as an organic whole since all the major recommendations contained therein are inexorably intertwined. Accordingly, any modification in the scheme of recommendations can severely affect the outcome this Report sets out to achieve. The Government, therefore,

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would be well advised to consider implementing all the major recommendations contained in the Report as a package."

Further, learned counsel have stated that in OA-655/2010 in which 650 parties in the pay scale of S-29 were involved, Hon'ble Full Bench of this Tribunal vide its judgment dated 01.11.2011 observed as follows:-

"30. In view of what has been stated above, we are of the view that the clarificatory OM....whereby representation was rejected by common order, are required to be quashed and set aside which we accordingly do. Respondents are directed to re-fix the pension of all pre-2006 retirees w.e.f. 1.1.2006 based on the resolution dated 29.08.2008 and in the light of our observations made above....Let the respondents re-fix the pension and pay the arrears thereof within a period of 3 months...."

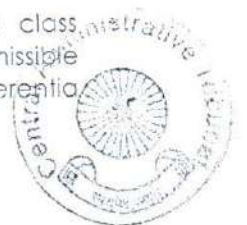
This judgment has since achieved finality. Learned counsel stated that the case of the applicants in the present O.A. is pari materia to the Full Bench of this Tribunal and therefore deserves to be allowed.

6. Sh. Soumyajit Pani, learned counsel for the applicants has also submitted his written submissions in which he has stated that the grievance of the applicants has arisen mainly on the ground that there are high disparities between the minimum of PB-3 and minimum of PB-4. Resultantly, high disparity has been created in the pensioners retiring from S-21 and S-24 as well. The applicants are also aggrieved by non-consideration of their representation. Learned counsel has stated that S-21 and S-24 should be in the

same group as recommended by 6th CPC. The Government in their wisdom has kept Lt. Col./Col. in the same PB-4. Hence, there is merit in the prayer of the applicants that S-21 and S-24 should be in the same PB-4. A detailed note of the 6th CPC in Chapter-2 clearly brings the equivalent salary of Armed Forces with Civil Salary with the expected edge for the Armed Forces. He submitted that the huge difference between S-21 and S-24 was ex facie unjust. Learned counsel has further submitted that S-24 is a non-functional selection grade for JAG officers involving no higher responsibilities and duties. In fact, it is in situ and the Pay Commission had kept this in view. The Government had added injury by providing PB-4 for Lt. Col. in the Defence Forces and denying the same to regular Civil officers. Learned counsel has further stated that Ministry of Railways had been convinced of this discrimination and had written to the Department of Expenditure on this issue vide O.M. No. PC IV/2012/RU/NFIR/3 dated 12.02.2014.

7. The applicants have relied on the judgment of Hon'ble Supreme Court in the case of **The Anant Mills Co. Ltd. Vs. State of Gujarat and Ors.**, (1975) 2 SCC 175, to say that the action of the respondents was a result of irrational classification, which is impermissible, relevant part of which is extracted below:-

"25. It is well established that Article 14 forbids class legislation but does not forbid classification. Permissible classification must be founded on an intelligible differentialia



consideration in fixing pay scales. The method of recruitment, the level at which the initial recruitment is made in the hierarchy of service or cadre, minimum educational and technical qualification prescribed for the post, the nature of dealings with the public, avenues of promotion available and horizontal and vertical relativity with other jobs in the same service or outside are also relevant factors.

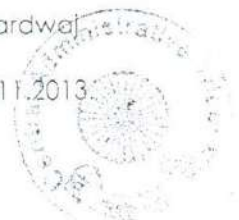
3. While fixing the pay scales, the paying capacity of the Government, the total financial burden which has to be borne by the general public, the disparity between the incomes of the Government employees and the incomes of those who are not in government service and the net amount available for government at the current taxation level, after paying the salaries and allowances to the Government servants have also to be borne in mind.

4. It is imperative that there should be an evolution and implementation of a scientific national policy of incomes, wages and prices which would be applicable not merely to Government services but also to the other sectors of the national economy. As far as possible the needs of a family unit have to be borne in mind in fixing the wage scales. The 'needs' are not static. They include adequate nutrition, medical facilities, clothing, housing, education, cultural, activities etc. Care should also be taken to see that what is fixed today as an adequate pay scale does not become inadequate within a short period by providing an automatic mechanism for the modification of the pay scale."

9. The applicants have further relied on the judgment of Hon'ble Supreme Court in the case of **Purshottam Lal and Ors. Vs. UOI & Ors.**, AIR 1973 SC 1088 in which the Hon'ble Court has held that non-implementation of the report of 2nd Pay Commission in respect of certain posts was violative of Articles 14 and 16 of the Constitution.

10. The respondents were represented by learned counsel Sh. Rajesh Katyal, Sh. H.K. Gangwani and Ms. Priyanka M. Bhardwaj. Reply on behalf of respondent No.3 was filed on 14.11.2013.

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Reply on behalf of respondent No. 2 has been filed on 21.02.2014. Additional affidavit on behalf of respondent No.2 has been filed on 16.04.2014. Thereafter on 26.05.2014 they filed reply to the rejoinder filed by the applicants. Subsequently, they filed an affidavit on 20.08.2014 to place on record the minutes of the Committee of the Secretaries. Finally, on our directions, they have filed their written submissions on 05.01.2015 which have been taken on record. They have stated that the applicants had earlier filed OA-191/2011, which was disposed of by the Tribunal on 21.01.2011 with a direction to the respondents to decide their representation. Accordingly, the representation was rejected on 04.01.2012. The applicants have now challenged the above order in the present O.A. Vide order dated 28.01.2013 directions were issued by the Tribunal to place the representation before the Committee of Secretaries. However, when the respondents brought to the notice of the Tribunal that such a Committee was no longer in existence, this order was reviewed. The prayer of the applicants in the O.A. is that their representation has been rejected at the level of Secretary without reference to the Committee of Secretaries. Also the applicants are seeking parity with respect to those persons who are in scales higher to them i.e. S-24 to S-27 inasmuch as they are seeking same proportionate increase in their pension as was allowed to those working in these higher scales.

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According to the respondents it is unheard of that a person placed in lower level in the hierarchy is seeking parity with persons in higher scales.

11. Further, the respondents have stated that 6th CPC submitted its report to the Central Government on 24.03.2008. In their report they recommended introduction of entirely different pay structure. Earlier, each post was attached to specific pay scale and the pay scales themselves determined the status of the post. In departure from that practice, the 6th CPC recommended a structure comprising of pay bands and grade pays. The rationale for recommending this new structure is stated in Para 1.2.8 of their report wherein it is mentioned that individual pay scales have a limited span resulting very often in stagnation as a consequence of the same. Therefore, to ease stagnation, promotional avenues needed to be created even though no functional justification for higher posts existed. Even creation of additional posts in higher grades through cadre reviews etc. does not always achieve the desired results in terms of improved career progression. Moreover, movement from one pay scale to another frequently leads to problems in pay fixation like a senior drawing lower salary vis-à-vis a junior. It was envisaged that running pay bands will address all these problems.

Thus, the pay bands were devised in such a fashion so as to have

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an elongated span and each pay band was in lieu of a number of pre-revised pay scales. In their report, the Commission recommended 04 pay bands fitting therein 33 pre-revised pay scales from S-1 to S-32. The Commission also recommended grade pays corresponding to each pre-revised pay scales. It was the grade pay that determined the level of a post and its equation with the corresponding pre-revised pay scales. The following table would depict how the different pay scales have been fitted into 4 pay bands:-

Sl.	Pay scale	Pay band
1.	S-1,S-2,S-2A and S-3	1-S(4440-7440)
2.	S-4,S-5,S-6,S-7 and S-8	PB-1(4860-20200)
3.	S-9,S-10,S-11,S-12,S-13,S-14 and S-15	PB-2(8700-34800)
4.	S-16,S-17,S-18,S-19,S-20,S-21,S-22,S-23,S-24, S-25,S-26 and S-27.	PB-3(15600-39100)
5.	S-28,S-29,S-30,S-31 and S-32	PB-4(39200-67000)

From the recommendations of the Commission, it emerged that 13 pre-revised pay scales upto S-27 were fitted in PB-3 while only 05 pay scales from S-28 to S-32 were placed in PB-4. S-24 with a minimum of Rs.14300 was placed in PB-3 whereas the pay scale of S-28 with the same minimum of Rs.14300 was placed in PB-4. S-33 and S-34 were not part of any pay band and they were recommended to be given Rs.80,000/- (fixed) per month and Rs.90,000/- (fixed) per month respectively.

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12. With the approval of the Cabinet, it was decided to set up a Committee of Secretaries under the Chairmanship of Cabinet Secretary to process the recommendations of the 6th CPC. The Constitution of this Committee was notified by Department of Expenditure on 15.04.2008. The Committee held several meetings with various departments of Government of India & JCM and also examined the representations received from various sources through the aegis of Department of Expenditure. The issue of less percentage increase for middle level officers (Deputy Secretary, Director and DIG/equivalent) in Armed Forces as well as civilians was raised by almost all organizations, most notably by Ministry of Defence, Ministry of Health & Family Welfare, Ministry of Railways and Scientific Departments. On behalf of IPS, Ministry of Home Affairs and on behalf of Indian Forest Service, Ministry of Environment and Forests represented that posts of DIG/Conservator of Forests (which were in S-26) be placed in PB-4 along with the S-28 pay scale of Rs. 14300-22400. Ministry of Railways also made a request for placing the selection grade S-24 in PB-4 at par with SAG scale of S-29 stating that another pay scale of Rs. 14300-22400 (S-28) with the same minimum of Rs.14300 had been recommended for merger with the SAG scale.

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13. The Committee noted that its intention was not to re-do the report of the 6th CPC but only to consider whether any existing relativities or parity had been disturbed or any disparities created as a result of the recommendations of the Pay Commission. The intention was to address these concerns without opening new issues.

14. In order to improve the percentage increase in case of middle level officers, the Committee of Secretaries recommended the following:-

(i) Increase in fitment in pay bands by using multiplication factor of 1.86 instead of 1.74.

(ii) Increase in the grade pay and grant of identical grade pay to all middle level Defence Forces and civilian officers, including those belonging to the IAS.

(iii) In order to ensure a higher percentage increase for middle level officers and keeping in view the fitment allowed for the pay scale of Rs.14300-22400, the Committee proposed to place Colonels/Director/equivalent and Brigadier/DIH equivalent in Pay Band-4 for this purpose. However, simultaneously the start of the pay band was brought down to Rs.37400 whereas the grade pay was increased to Rs.11000 from Rs.9000 and that of Rs.11000 to Rs.13000.

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14A The respondents have stated that the reason why there is somewhat higher percentage increase in the case of S-24 to S-27 as compared to S-19 to S-23 is because S-24 to S-27 have been placed in PB-4 instead of PB-3. The Government considered it appropriate to ensure higher percentage increase at this level keeping in view the fact that the pre-revised pay scale of Rs.14300-22400 (S-28) had already been recommended by the Commission to be placed in PB-4 with somewhat similar increase. Since the minimum of S-28 and S-24 is Rs.14300 for both, it would have been incongruous if middle level officers falling in S-24 to S-27 had been put to disadvantage vis-à-vis the officers in S-28 with the same minimum.

15. The respondents have further argued that the reason for putting S-24 to S-27 in PB-4 has been brought out above. As a consequence of this there has been increase in the percentage of benefits admissible to incumbents in these scales. However, this reason does not apply to the grades in which the applicants were working. As such, there is no justification for increasing their benefits. In any case, improvements have been made by the Government on the recommendations of 6th CPC wherever considered appropriate and this has benefited many employees covered by the same. These benefits have been made without any bias or without any intentions of favoring any particular class

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of employees. One such instance is that fixation of pay in the new pay bands has been made after multiplying by a factor 1.86 instead of 1.74 as recommended by the Pay Commission.

16. Further, contention of the respondents is that the recommendations of the Committee of Secretaries and their acceptance by the Government were part of a logical and rational decision making process. It was in no way unjust, arbitrary, capricious or mala fide as alleged by the applicants. The respondents have asserted that the Government has a right to accept the recommendations of the Pay Commission with such modifications as deemed fit by the Government as Pay Commission is only a recommendatory body. The power of the Government to determine the principles of pay and pension fixation has been upheld in a catena of judgments by the Courts.

17. The respondents have relied on the judgment of Hon'ble Supreme Court in the case of **Balco Employees Union (Regd.) Vs. UOI**, 2002(2) SCC 333 wherein it has been observed that wisdom and advisability of economic policy are ordinarily not amenable to judicial review unless it can be demonstrated that constitutional limits have been transgressed. Further, the respondents have relied on the judgment of Hon'ble Supreme Court in the case of **Federation of All India Customs and Central Excise Stenographers (Recognised) Vs. Union of India**, (1988) 3

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SCC 91 wherein it has been held that differentiation is justified in view of the nature and types of the work done. The problem about equal pay for equal work cannot always be translated into a mathematical formula. The respondents citing the judgment of Hon'ble Supreme Court in the case of **State of Haryana Vs. Jasmer Singh & Ors.**, AIR 1997 SC 1788 have stated that in the aforesaid case it has been observed that judgment of administrative authorities concerning the responsibilities attached to the post would be a valuable judgment, if arrived at in a bona fide manner and would not be open to interference. The respondents have also cited the judgment of Hon'ble Supreme Court in the case of **S.C. Chandra & Ors. Vs. State of Jharkhand and Ors.**, 2007 AIR 3021 wherein it has been held that fixing of pay scales by Courts by applying the principle of equal pay for equal work upsets the high Constitutional principle of separation of powers between the three organs of the State and, therefore, this Court has in recent years avoided applying this principle unless there was complete and wholesale identity between the two groups and then to the matter has been sent for examination by an Expert Committee to be appointed by the Government instead of Court granting higher pay. On the basis of above submissions, the respondents have prayed that this O.A. be dismissed.

18. We have considered the submissions of both sides and

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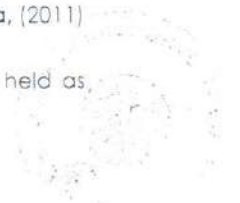


have perused the material on record. The grievance of the applicants is that employees working in grades S-24 to S-27 and above have been granted huge jump in their emoluments and pensions whereas the applicants have not been given the same. It is note worthy that the grievance does not arise from inadequate compensation granted to the applicants. It has arisen because certain group of employees has got benefit much more than them in percentage terms. They are, therefore, seeking parity in percentage increase with those working in grades S-24 to S-27 and above. This parity is being sought with those who were admittedly in higher grades as compared to the applicants. The respondents have stated that seeking parity with seniors was unheard of. In our opinion, even though this may not be a case of seeking parity of pay scales, same principles would apply to this case as are applied while considering cases of equal pay for equal work. The respondents have cited various judgments in their reply and written arguments to bring out the limitation of Courts in applying the principle of equal pay for equal work as well as the parameters that should be seen before granting such parity. We have also perused certain other pronouncements of the Apex Court some of which are as follows:-

(i) In **Steel Authority of India Limited Vs. Dibyendu Bhattacharya**, (2011)

11 SCC122 the Hon'ble Supreme Court in paras- 20 to 22 has held as

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follows:-

"20. In **Harbans Lal & Ors. v. State of Himachal Pradesh & Ors.**, (1989) 4 SCC 459, this Court considered a similar issue and observed that while determining the issue of parity in pay, large number of considerations and various dimensions of the job are required to be taken up by the courts. The accuracy required by the job and the dexterity it entails may differ from job to job. It cannot be evaluated by the mere averments in the self - serving affidavits or counter affidavits of the parties. It must be left to be evaluated and determined by expert body. The Court further held as under :

"11....The discrimination complained of must be within the same establishment owned by the same management. A comparison cannot be made with counterparts in other establishments with different management, or even in establishments in different geographical locations though owned by the same master. Unless it is shown that there is a discrimination amongst the same set of employees by the same master in the same establishment, the principle of "equal pay for equal work" cannot be enforced...."(Emphasis added)

21. In **Mewa Ram Kanojia v. All India Institute of Medical Sciences and Ors.**, (1989) 2 SCC 235, this Court dealt with an issue of pay parity between Speech Therapists and Audiologists and held that merely because Speech Therapists perform similar duties and functions in other institutions, are paid higher pay-scales is no good ground to accept the petitioner's claim for equal pay. There may be difference in educational qualifications, quality and volume of work required to be performed by the hearing therapists in other institutions. The person claiming parity must sufficiently produce material before the Court to adjudicate upon such a complicated issue of factual determination. More so, if the employer is not the same, the principle of equal pay for equal work would not be applicable."

(ii) In the case of **State of West Bengal and Another Vs. West Bengal, Minimum Wages Inspectors Association and Others**, (2010)

5 SCC 225 the Hon'ble Apex Court in paras 18 and 19 has held as

follows:-

"18. The principles relating to granting higher scale of pay on the basis of equal pay for equal work are well settled. The

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evaluation of duties and responsibilities of different posts and determination of the pay scales applicable to such posts and determination of parity in duties and responsibilities are complex executive functions, to be carried out by expert bodies. Granting parity in pay scale depends upon comparative job evaluation and equation of posts.

19. The principle "equal pay for equal work" is not a fundamental right but a constitutional goal. It is dependent on various factors such as educational qualifications, nature of the jobs, duties to be performed, responsibilities to be discharged, experience, method of recruitment, etc. Comparison merely based on designation of posts is misconceived. Courts should approach such matters with restraint and interfere only if they are satisfied that the decision of the Government is patently irrational, unjust and prejudicial to any particular section of employee."

(iii) In the case of **Garhwal Jal Sansthan Karmachari Union and**

Another Vs. State of U.P. and Ors., (1997) 4 SCC 24 the Hon'ble

Supreme in para-8 has held as follows:-

"8. As indicated earlier, some of the duties and functions discharged by; the employees of Jal Nigam and Jal Sansthan are similar but the question is whether that by itself is a decisive factor to hold that the employees of the first appellant union are entitled for the parity of pay scales with the employees of Jal Nigam. Can the principle of equal pay for equal work be applied to the two sets of employees in different organisations who are discharging the duties and functions to some extent similar without reference to the qualitative commonality thereof? From the scheme of the Act, the duties and functions assigned to the employees of Jal Nigam and Jal Sansthan, are in many respects qualitatively different. Jal Nigam is a corporation fully controlled by the state and extending the jurisdiction all over the territory of Uttar Pradesh whereas the duties and functions of Jal Sansthans are restricted to local area and under the control of local bodies. From the material produced before us, we are constrained to say that there is qualitative difference in the duties and functions discharged by the employees of Jal Nigam and Jal Sansthan and, therefore, the claim of equal pay for equal work on the plea of discrimination under Articles 14 and 16(1) of the Constitution is without any foundation. The principle of equal pay for equal work would not be applicable where qualitative difference in functions and responsibilities is apparent. This Court in State of Madhya Pradesh and another vs. Promod Bhartiya and

others, 1993(1) SCC 539 had on occasion to consider the application of this principle. After careful consideration of various decisions on this subject, this Court held as under:-

"It would be evident from this definition that the stress is upon the similarity of skill, effort and responsibility when performed under similar conditions. Further as pointed out by Mukharji, J. (as he then was) in Federation of All India Customs and 1983(3) SCC 91, the quality of work may vary institution to institution. We cannot ignore or overlook this reality. It is not a matter of assumption but one of proof. The respondents (original petitioners) have failed to establish that their duties, responsibilities and functions are similar to those of the non-technical lecturers in Technical Colleges. They have also failed to establish that distinction between their scales of pay and that of non-technical lecturers working in Technical Schools is either irrational and that it has no basis, or that it is vitiated by mala fides, either in law or in fact (see the approach adopted in Federation case). It must be remembered that since the plea of equal pay for equal work has to be examined with reference to Article 14, the burden is upon the petitioners to establish their right to equal pay, or the plea of discrimination, as the case may be. This burden, the original petitioners (respondents herein) have failed to discharge."

(iv) In the case of **State of Punjab and Another Vs. Surjit Singh and Others**, [2009] 9 SCC 514 the Apex Court in para-8 has held as follows:-

"8. Before us, the learned counsel urged that on analysis of the decisions rendered by this Court, the following legal positions emerge. We would deal with them in seriatim and as put forward by the learned counsel:

(1) Mode and manner of selection can be a ground of classification. In *S.C. Chandra v. State of Jharkhand* [(2007) 8 SCC 279] it has been held:

"27. Thus, in *State of Haryana v. Tilak Raj* it was held that the principle can only apply if there is complete and wholesale identity between the two groups. Even if the employees in the two groups are doing identical work they cannot be granted equal pay if there is no complete and wholesale identity e.g. a daily-rated employee may be doing the same work as a regular employee, yet he cannot be granted the same pay scale. Similarly,

two groups of employees may be doing the same work, yet they may be given different pay scales if the educational qualifications are different. Also, pay scale can be different if the nature of jobs, responsibilities, experience, method of recruitment, etc. are different.

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30. In State of U.P. v. Ministerial Karamchari Sangh the Supreme Court observed that even if persons holding the same post are performing similar work but if the mode of recruitment, qualification, promotion, etc. are different it would be sufficient for fixing different pay scale. Where the mode of recruitment, qualification and promotion are totally different in the two categories of posts, there cannot be any application of the principle of equal pay for equal work."

In a given case, mode of selection may be considered as one of the factors which may make a difference. (See State of Haryana v. Charanjit Singh [(2006) 9 SCC 321 Para 15]).

(2) Daily wager working for a long time should be granted pay on the basis of the minimum of a pay scale. Reliance in this behalf has been placed on Secretary, State of Karnataka & Ors. v. Uma Devi (3) & Ors. [(2006) 4 SCC 1]. It was furthermore urged that this Court should follow the principle laid down by the Constitution Bench in Uma Devi as such a relief had been granted by it in respect of daily wagers of the Commercial Taxes Department. The learned counsel submitted that this Court lately, although made a distinction between a direction to regularize the employees who had been working for some time, but keeping in view the constitutional mandate contained in Article 39A of the Constitution of India directed grant of a salary on a scale of pay, particularly in cases where the conduct of the State had been found to be unreasonable, unjust and prejudiced."

(v) In the case of **State of Madhya Pradesh and Ors. Vs. Ramesh Chandra Bajpai**, [2009] 13 SCC 635 the Apex Court in para-15 has held as follows:-

"15. In our view, the approach adopted by the learned Single Judge and Division Bench is clearly erroneous. It is well settled that the doctrine of equal pay for equal work can be invoked only when the employees are similarly situated.

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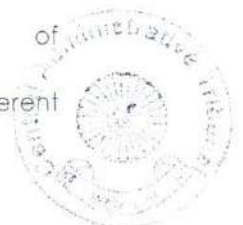


Similarity in the designation or nature or quantum of work is not determinative of equality in the matter of pay scales. The Court has to consider the factors like the source and mode of recruitment/appointment, qualifications, the nature of work, the value thereof, responsibilities, reliability, experience, confidentiality, functional need, etc. In other words, the equality clause can be invoked in the matter of pay scales only when there is wholesale identity between the holders of two posts."

In the above mentioned cases Hon'ble Supreme Court has pointed out the limitation of the Courts in determining the issue of pay parity and has observed that it requires an Expert Body to do so. It cannot be done by self serving affidavits or counter affidavits. Further, they have laid down that such parity can be granted only after considering the nature or quantum of work, source and mode of recruitment/appointment, qualifications, responsibilities, reliability, experience and other functional needs, etc. Further, they have stated that this principle can be invoked only if there is wholesale identity between the two groups.

19. In the instant case it is admitted position that applicants are much junior to those with whom they are seeking parity namely those working in S-24 and higher grades. Such incumbents would be having different nature of duties and responsibilities, would be different in experience level, would have come through different methods of recruitment/appointment and would be discharging different

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duties all together. In fact, the applicants themselves are not homogenous group working in different grades, having different qualification and experience etc. As such, their claim for parity with those in S-24 to S-27 grades is not sustainable.

20. In their reply the respondents have also stated the circumstances under which it had become necessary to tinker with the report of the Pay Commission and place S-24 to S-27 in PB-4 instead of PB-3 resulting in jump in their benefits. The respondents have also asserted that Pay Commission is a recommendatory body and it is not incumbent on the Government to accept its recommendations in toto, and that they have a right to modify the same before implementation wherever considered necessary for administrative reasons or otherwise. This contention of the respondents has not been disputed by the applicants themselves. We also find merit in the same.

21. In view of the above, we find that there is no merit in this O.A. and the same is dismissed. No costs.

22. A copy of this order be placed in OA-789/2013 and OA-4130/2013 also.

(Shekhar Agarwal)
Member (A)

/Vinita/

(G. George Paracken)
Member (J)

03/12/2015

