
(2025) 10 CAT CK 1112

In the Central Administrative Tribunal, Principal Bench, New Delhi

Case No : Original Application No. 248, 426, 3682 Of 2023

Dinesh Chand Sharma & Ors.

APPELLANT

Vs

Union Of India & Ors.

RESPONDENT

Date of Decision : 06-10-2025

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Citation : (2025) 10 CAT CK 1112

Hon'ble Judges : R.N. Singh, Member (J); B. Anand, Member (A)

Bench : Division Bench

Advocate : Tushar Ranjan Mohanty, Yogita Sharma, Naveen Kumar Vashishth, Tarunveer Singh Taggar, Gyanendra Singh, R.K. Jain

Final Decision : Dismissed

Judgement

B. Anand, Member (A)

1. In the aforesaid OAs, the facts and issues are admittedly common. The prayers made by the applicants in both the OAs are also same. Therefore with the consent of the learned counsels for the parties both the OAs have been heard together and are being adjudicated by the present common order.

2. For convenience the facts are being taken from OA No.702/2016. By way of the present OA, The applicants seek the following reliefs under Section 19 of the Administrative Tribunals Act, 1985:

"8.1 to allow the present Application.

8.2 to direct Respondent No.1 to grant the Applicants Non Functional Upgradation to the Senior Administrative Grade of the Indian Statistical Service with effect from 01.01.2006 or at least with effect from 26.10.2006, by suitably modifying the Order dated 12.05.2011 (Annexure: A-3) and the Order dated 02.08.2021 (Annexure A-4)

8.3 to direct the Respondent to fix the salary of the Applicants accordingly.

8.4 and as a consequence thereof, to direct the Respondent to pay arrears of salary to the Applicant;

8.5 to direct the Respondent to pay 6% interest on the arrears of salary due to the Applicants from the day such money became due;

8.6 to issue any such and further orders/directions this Hon'ble Tribunal deems fit and proper in the circumstances of the case; and

8.7 to allow exemplary costs of the application."

3. The brief factual matrix of the case as gleaned from the pleadings available on record is that the Ministry of Finance (Deptt. of Expenditure) has brought out a resolution of the Union Cabinet dated 29.08.2008 accepting the recommendations of the 6th Central Pay Commission to the effect that "whenever any IAS officer of a particular batch is posted in the Centre to a particular grade carrying a specific grade pay in pay bands PB-3 or PB-4, grant of higher pay scale on non-functional basis to the officers belonging to batches of organized Group A services that are senior by two years or more should be given by the Government". The resolution also states that "Eligibility criteria prescribed for promotion to Senior Administrative Grade in various organized Group A services should be uniform." The DoPT issued an OM No.AB-14017/64/2008-Estt. (RR) dated 24.04.2009 (pg. 50 to 51 of OA). The said OM has also set down in its Annexure I the Terms and conditions for Grant of Higher Pay Scale on Non-Functional Basis to Officers of Organized Gr.'A' Services. In operationalizing the said Resolution of the Union Cabinet, it has gone into several rounds of litigations, the details of which are as follows:-

3.1 The first litigation pertains to one Dr. Badri Singh Bhandari and Dr. K.L. Prasad, both members of the Indian Economic Service (IES) from 1982 batch and 1983 batch respectively who had approached the CAT, Principal Bench vide OA No. 761/2012 and obtained orders to the effect that inasmuch as two IAS officers by name Sh. Atanu Chakraborty, IAS (GJ: 1985) and Sh. P.Raghvendra, IAS (HY: 1985), were appointed at the level of Joint Secretary with the Govt. of India w.e.f. 08.11.2005 and 27.10.2005 respectively and both these officers have been granted the benefit of upgradation in PB-4 w.e.f. 01.01.2006, the applicants therein have been given the aforesaid benefit of upgradation in PB-4 w.e.f. 03.01.2006 ignoring their rightful claim of upgradation of their pay scale w.e.f. 01.01.2006 on the basis of the posting of aforesaid two IAS officers at the Centre in 2005 itself. The case of the applicants is that drawing parity with these two IAS officers would extend to grant of non-functional upgradation benefit w.e.f. 01.01.2006 at par with them and not from two days thereafter. The CAT, PB. In the aforesaid judgment dated 23.10.2013, allowed the said OA No. 761/2012 with a direction that the parity envisaged in the Scheme and in the Government Notification will be well served by granting PB-4 to the applicants w.e.f. 01.01.2006 and granting after 01.01.2006 i.e. w.e.f. 03.01.2006 would be sub-par and contrary to the Scheme envisaged. Respondents were also directed to

consider and take a final decision for grant of benefit of non-functional upgradation to the applicants w.e.f. 01.01.2006 in place of 03.01.2006. Pursuant to the Tribunal's order dated 23.10.2013 in OA 761/2012, the Ministry of Finance (Deptt. of Expenditure) have granted such benefit to 65 officers of IES, including Dr. Badri Singh Bhandari and Dr. K.L. Prasad vide promotion order dated 24th/29th April.2014.

3.2 Meanwhile the respondents had filed a WP(C) No. 8193/2015 (Union of India & Ors. v. Dr. Badri Singh Bhandari & Anr.) in the Hon'ble High Court of Delhi which vide its judgment dated 12.03.2019, upheld the decision of the CAT, Principal Bench in OA No. 761/2012.

3.3 Shri Tushar Ranjan Mohanty, who is appearing as learned counsel for the applicants in the instant OA, had also approached the Tribunal by filing OA No. 2143/2014 seeking the same benefits which the Tribunal had granted to Dr. Badri Singh Bhandari in OA No. 761/2012 and was able to obtain favourable orders dated 23.12.2014 from CAT, PB directing the respondents to consider and take final decision for grant of the benefit of non-functional upgradation to the applicant w.e.f. 01.01.2006 in place of 03.01.2006. Against the above order, the respondents filed WP(C) No. 3730/2015 in the Hon'ble High Court of Delhi which vide its order dated 17.12.2019, dismissed the said Writ Petition. The respondents, in compliance of the judgment of the Hon'ble High Court in WP(C) No. 3730/2015, dated 17.12.2019, granted the Non Functional Upgradation to Senior Administrative Grade in Level-14 of the Pay Matrix, in terms of DoPT's OM dated 24.04.2009 w.e.f. 01.01.2006, to Sh. Tushar Ranjan Mohanty, learned counsel for applicant herein.

3.4 Seeking the same reliefs as granted to the applicants in the OA No. 761/2012 (Dr. B.S. Bhandari & Anr.) and OA No. 2143/2014 (Sh. T.R. Mohanty vs. Union of India & Ors.), the applicants – Rakesh Kumar & Ors. had filed OA No. 3065/2014 before the CAT, PB which was disposed of with the observation that "the present order shall be governed by the outcome of the judgments by the Hon'ble High Court of Delhi in the abovementioned writ petitions, i.e. WP(C) No. 8193/2015 and WP(C) No. 3730/2015". The respondents took the matter in the Hon'ble High Court of Delhi by filing the Writ Petition No. 8329/2016 which, too, was dismissed with directions that the appropriate orders implementing the impugned order of the CAT and granting the respondents (original applicants) all consequential benefits, be issued. There against, Union of India filed an SLP (C) No. 11868/2020 in the Apex Court which, by order dated 28.01.2021 was dismissed, however, the question of law is kept open.

4. The applicants – Dinesh Chand Sharma & Ors. in the instant OA are all direct recruit officers of the Indian Statistical Service of 1984 Batch and are aggrieved by the impugned order of Respondent No.1 who has rejected their representation for extending the benefit of Non-Functional Financial Upgradation in the Senior Administrative Grade w.e.f. 01.01.2006 or even 26.10.2016 on the ground that they have not fulfilled the eligibility criteria as per the Recruitment Rules and the

respondents' request to DoPT for relaxing the eligibility criteria has not been agreed to by the DoPT and therefore, they have given them the NFU in SAG w.e.f. 01.01.2008 only.

5. It is seen that in the WP(C) No.8193/2015 in the case of Dr. Badri Singh Bhandari & Ors, the Hon'ble High Court has observed as under:-

"5. Interestingly, in the writ petition, the petitioners have averred in para 2 of the writ petition as follows:-

"...on receipt of the impugned order dated 23rd October, 2013, the Department of Economic Affairs consulted DOP&T. DOP&T suggested this Department to contest the case by filing appeal in consultation with Department of Legal Affairs. However, the Department of legal Affairs had advised that unless just cause is shown for granting the benefit of non functional up-gradation in PB-4 to the applicants from 03.01.2006 instead of granting the same from 01.01.2006, the chance of success in further appeal appears to be remote. In view of opinion given by the Department of Legal Affairs and with the approval of competent authority the benefit of non-functional upgradation to the applicants w.e.f. 01.01.2006 in place of 03.01.2006 as per directions of the Hon'ble CAT was allowed. However, when the aforesaid implementation of the impugned judgment dated 23.10.2013 came to the notice of the DoP&T which is the nodal Ministry; the Department of Economic Affairs was advised to challenge the impugned judgment as the impugned judgment is contrary to the policy of the Govt. of India and has wide spread implications on all other Central Services qua the grant of Non-Financial Upgradation. In this backdrop, the present writ petition is being filed challenging the impugned order dated 23.10.2013 passed by Central Administrative Tribunal, Principal Bench, New Delhi in Dr.Badri Singh Bhandari vs. Union Of India bearing O.A. No.761/2012."

6. We find that the assertion made by the petitioners that the Department of Personnel & Training (DOP&T) learnt of the implementation of the impugned order dated 23rd October, 2013, and thereafter advised the Department of Economic Affairs to assail the impugned order before this Court, appears to be factually incorrect. A perusal of the order dated 24th/29th April, 2014-relevant portion whereof has been extracted hereinabove, shows that the said order was issued in consultation with the DOP&T and the Department of Legal Affairs. Thus, the DOP&T was undoubtedly consulted even before implementation of the impugned order and it was well aware of its implementation.

7. The aforesaid extract from para 2 of the writ petition is also suggestive of the fact that the Department of Legal Affairs was also not in favour of assailing the impugned order.

8. The learned counsel for the respondent no.2 submits that the petitioners having, on their own, implemented the impugned order not only in respect of the respondents, but in respect of sixty three others-even though they had not obtained any orders from the Tribunal, are now estopped from filing the present

petition. The effect of the present challenge, if it succeeds, would be that only the two respondents would be denied the benefit, which sixty three others have been extended on the basis of the impugned order. This could lead to a very unfair and anomalous situation.

9. Considering the fact that the petitioners have accepted and implemented the impugned order, and that too without any reservation or conditions, in our view, it is not open for the petitioners to now assail the same.

10. We are further informed that out of the sixty five officers who were granted the benefit, only about ten officers are remaining in service and others have since retired. For this reason as well, we do not consider it necessary to examine the impugned order.

11. Learned counsel for the petitioners submits that in respect of other Ministries, similar orders have been passed by the Tribunal premised on the impugned order dated 23rd October, 2013 in OA No.761/2012. He submits that in respect of the employees of the other Ministries, the directions issued by the Tribunal have not been implemented, and the orders passed by the Tribunal have been separately assailed before this Court, including in Writ Petition(C) Nos.3730/2015 & 8329/2016 titled Union of India Vs. Tushar Ranjan Mohanty and Union of India Vs. Rakesh Kumar & Ors. respectively. 12. We make it clear that we have not gone into the merits of the impugned order, and we are not inclined to entertain the present petition on account of the petitioners having implemented the impugned order without any right being reserved to them and in view of the fact that the petitioners have, on its own, granted the benefit in terms of the impugned order in respect of sixty five officers in different department of the Indian Economic Services. So far as the orders passed in other Original Applications are concerned, which may have been challenged by the petitioner/Union of India, they shall be examined on their own merits."

This matter went to the Hon'ble Supreme Court but the Hon'ble Supreme Court dismissed the SLP, however, the question of law is kept open.

6. Another set of officers of Group A Officers of Indian Statistical Service of the batches of 1979, 1980, 1981 and 1982 approached the CAT, Principal Bench, by filing OA No. 669/2015 and the Tribunal in para 16 thereof has taken note of the fact that while DoPT OM dated 24.04.2009 laid the parameters of this Scheme, the workable details are furnished for the first time through OM dated 01.07.2010 and the relevant paras thereof are as under:-

"18. Assuming that the IAS Officers of earlier batches were posted in the Centre from earlier dates, the only yardstick for implementation would be the date mentioned by the DoP&T and in the instant case, it was through OM dated 01.07.2010. If the applicants feel aggrieved by the contents of the OM dated 01.07.2010, it was open to them to question it. That not having been done, we find it difficult to find fault to the question of the benefit to the applicants from 03.01.2006. Further comparison can be only among the officers of the same

department and batch. Group A officers cannot draw comparison with IAS officers, in a manner except in accordance with the OM mentioned above.

19. Acceding to the request of the applicants would lead to a serious anomaly. It has already been mentioned that the benefit is always determined with reference to the Grade on which the IAS Officer is posted. If the date referable to the IAS Officer is 03.01.2006, and if the benefit is granted to a Group A Officer from an earlier date, the whole Scheme gets topsy-turvyed. In the instant case, the difference may appear only to be two days, but it would have its own impact. Several unforeseen consequences would crop up in the course of implementation, in the subsequent years.

20. We find no merit in the OA and accordingly, the same is dismissed. There shall be no order as to costs."

7. Coming to the present OA, we find that the DoPT has not agreed to the proposal of the Deptt. of Statistics and Programme Implementation for relaxing the eligibility criteria for the applicants herein for getting NFU in SAG and also both the DoPT OM dated 24.04.2009 and 01.07.2010 very clearly state that the officers of the organized Group A Services who are two batches senior and earlier batches to the batch of IAS who are posted as Joint Secretary while they can be given pay parity with the IAS in granting NFU to SAG, they should otherwise be eligible and fulfill all the qualifications, as stipulated in the Recruitment Rules of the concerned organized Group-A source.

8. It is to be noted that not all IAS Officers, who were working as Director in Govt. of India under the Central Staffing Scheme, are automatically promoted to the post of Joint Secretary. There is clearly a selection process for empanelment to the post of Joint Secretary in GOI and roughly 50% of IAS officers of the batch only get empanelled as Joint Secretary after a rigorous selection process. Therefore, there is no merit for Officers of Organized Group 'A' Services to claim relaxation in the eligibility conditions for consideration of promotions to NFU in SAG in their parent organization from a date prior to 15.12.2009, this date being the date of approval given by DOP&T for such relaxation of eligibility criteria in the recruitment rules.

9. Learned counsel for the applicants states that when IAS officers of 1986 batch have been posted in the centre on 26.10.2006, then the applicants who were senior to these officers of 1986 batch should be automatically given NFU to SAG w.e.f. 26.10.2006 as envisaged by the Resolution of the Union Cabinet.

10. Learned counsel for the respondents has vehemently opposed the contentions of the applicants. He states that the DoPT had initially come with the OM dated 24.04.2009 operationalizing the NFU to SAG granting of higher scale w.e.f. 01.01.2006. However, DoPT in its second OM dated 01.07.2010 (pg. 23 to 26 of their counter) states that "As there is a slight change in the date of posting of first officer of IAS cadre in the Centre after 01.01.2006 in the grades of Additional/Joint Secretary, a revised list in supersession of the list issued in OM

dated 21.05.2009, giving the batch of the IAS officers who have been posted in the Centre in the various grades as well as the date of posting of the first officer belonging to the batch is annexed. He states that from the list annexed to OM dated 01.07.2010, it is seen that IAS officers of 1986 batch were posted as Joint Secretary in the centre by the ACC order issued on 26.10.2006 and according to the Sixth Central Pay Commission's recommendations, the officers, who are two years senior to officers of 1986 batch and earlier, i.e. 1984 and earlier batches can be considered for NFU only w.e.f. 26.10.2006.

11. Learned counsel for the respondents submits that the department has to do a due diligence of the service record of the officers regarding their eligibility and suitability in the higher post and thereafter only they could be given such NFU scale; in other words, such grant of NFU scale to those officers of organized Group-A service who are 2 batches to those IAS officers of a particular batch posted as Joint Secretary in GOI is not automatic, but subject to their eligibility & suitability to the higher post.

12. Learned counsel for the respondents relies on the latest judgment of the CAT, Principal Bench, dated 11.03.2020 in OA No. 669/2015, titled Satya Narain Singh & Ors. v. Union of India & Anr. wherein the applicants are Group 'A' Officers of Indian Statistical Service of the batches of 1979, 1980, 1981 and 1982 and the same Shri Gyanendra Singh, learned counsel herein, was appearing as learned counsel for the respondents, who took a stand that these officers are seeking the relief by drawing parity with two named IAS Officers and the same is not permissible in law, at all. In that particular case, i.e. OA No. 669/2015, Tribunal has found no merit and the same was dismissed.

13 We have given a patient hearing to both the learned counsels for the parties and with their assistance, perused the pleadings available on record.

14. From a plain reading of the recommendations of the Sixth Central Pay Commission as accepted by the Union Cabinet, it transpires that to bring some kind of parity between IAS cadre and officers of Organized Group 'A' Services, that whenever any IAS of a particular batch is posted as a Joint Secretary in the Centre, that posting as Joint Secretary would be reckoned for award of NFU to SAG to officers of other organized Group 'A' services who are 2 batches senior to the IAS officer who is posted as Joint Secretary in GOI. The crux of the issue is to determine the exact date when the first IAS Officer belonging to 1985 batch got posted in the Centre as Joint Secretary in SAG and thereafter reckon the eligibility of officers of other organized Group-A services for award of NFU to SAG.

15. Learned counsel for the applicant, Shri Tushar Ranjan Mohanty, in the synopsis states that "despite the fact that 1986 Batch Officers of the IAS were working in the Centre as Joint Secretary or equivalent on 01.01.2006, the applicants were given Non-Functional Financial Upgradation (NFU) to the Senior Administrative Grade only with effect from 01.01.2008. A similar assertion was made by Dr. Badri Singh Bhandari in OA No. 761/2012 and such assertion had

not been refuted by the respondents who are the custodian of the records in the matter.

16. A perusal of the DoPT OM dated 01.07.2010 clearly indicates that IAS officers of 1985 batch were posted as Joint Secretary in SAG in GOI only on 03.01.2006 and therefore, the assertion made by the applicants in OA No. 761/2012 [Dr. Badri Singh Bhandari, IES (1983 batch)] and in OA No. 2143/20214 (Tushar Ranjan Mohanty) that Sh. Atanu Chakraborty, IAS (GJ: 1985) and Sh. P.Raghvendra, IAS (HY: 1985) of being posted in the Centre on 27.10.2005 and 08.11.2015 respectively seems to be incorrect. Had this fact been clearly brought out by the respondent (DoPT) in OA No. 761/2012, all other judgments of higher courts would not have come out in a manner that they eventually came out and the OAs would have been disallowed. However, when the matter was heard on 18.09.2025 under the caption 'For Being Spoken to', the learned counsel for the applicant Mr. Tushar Ranjan Mohanty produced a copy of the Executive Record of Sh. Atanu Chakraborty from the DOP&T website, which shows that the said officer was posted in centre as Joint Secretary from 27.10.2005.

17. Learned counsel for the applicants, by relying upon the judgment of the Hon'ble Supreme Court of India in Civil Appeal Diary No. 3744 of 2016 in the matter of Union of India & Ors. v. Balbir Singh Turn & Anr., has especially referred to para 11 thereof which reads as under:-

"11. We are only concerned with the interpretation of the Resolution of the Government which clearly states that the recommendations of 6th CPC as modified and accepted by the Central Government in so far as they relate to pay structure, pay scales, grade pay etc. will apply from 01.01.2006. There may be some gainers and some losers but the intention of the Government was clear that this Scheme which is part of the pay structure would apply from 01.01.2006. We may also point out that the Resolution dated 30.08.2008 whereby the recommendation of the Pay Commission has been accepted with modifications and recommendations with regard to pay structure, pay scales, grade pay etc. have been made applicable from 01.01.2006. This is a decision of the Cabinet. This decision could not have been modified by issuing executive instruction. The letter dated 30.05.2011 flies in the face of the Cabinet decision reflected in the Resolution dated 30.08.2008. Thus, administrative instruction dated 30.05.2011 is totally ultra vires the Resolution of the Government."

which to our mind is not applicable to the present case. It is seen that whenever recommendations of the Pay Commission are out in the public domain, there is immense pressure on the Govt. apparatus to implement the recommendations as early as possible and when the matter is brought before the Union Cabinet, the broad contours of the recommendations and response of the Committee of Secretaries constituted by the Government to examine these recommendations and placed before the Union Cabinet are dealt with in a double quick manner. So the DoPT OM dated 24.04.2009 clearly states in the last para that "Grant of higher scale (i.e. pay band and/or grade-pay) under these instructions would be

w.e.f. 1.1.2006, wherever due and admissible.” (Emphasis ours). It is only in the second DOPT OM dated 01.07.2010, the DoPT has given the dates of seven batches of IAS officers who have been posted in the Centre in the various grades. Although this OM states that the date of posting of the first officer belonging to the batch is also annexed but such an annexure (s) with date has not been annexed. The date of posting of the first officer in the Grade has been annexed only for IAS officer holding the post of Director and Deputy Secretary whereas for IAS officers holding the post of Joint Secretary and Additional Secretary (Pay Band PB-3 and PB-4), the said OM only talks about the date of issue of ACC orders. It is not clear whether the ACC order is regarding empanelment of a particular batch of the IAS officer to the post of Joint Secretary/Additional Secretary or whether the ACC order is regarding posting of the first IAS officer belong to that batch as Joint Secretary/Additional Secretary. This is very crucial for adjudicating this case because everything else flows from this date. Due to lack of clarity regarding exact date of posting of the two IAS officers, name Sh. Atanu Chakraborty, IAS (GJ: 1985) and Sh. P.Raghvendra, IAS (HY: 1985) It is due to the confusion caused regarding the exact date of the posting of these IAS officers, the CAT has taken a decision based on the assertion made by the applicant, Dr. Badri Singh Bhandari that these two IAS officers were posted as Joint Secretary in 2005 itself and for them, the SAG begins from 01.01.2006 whereas for Dr. Badri Singh Bhandari and other applicants therein, the Government was seeking to give NFU to SAG from 03.01.2006 only. Agreeing with the contention of the applicant that when these two 1985 IAS officers was given NFU to SAG from 01.01.2006, the same has to be given to 2 years senior batch and earlier, i.e. 1983 batch and earlier from 01.01.2006 and not from 03.01.2006. The matter went to the Hon’ble High Court and the Hon’ble High Court did not go into the merits of this case and simply agreeing with the view of the Tribunal stated that they must be given SAG from 01.01.2006 and not from 03.01.2006 and when the matter was taken up by way of SLP in Hon’ble Supreme Court, the Hon’ble Supreme Court dismissed the SLP, however, kept the question of law open.

18. Meanwhile, the applicants’ counsel, Shri Tushar Ranjan Mohanty also approached the Tribunal in OA No. 2143/20214 stating that he belongs to 1981 batch of the Indian Statistical Service and two of his juniors, one of which an IAS officer of 1983 batch, Shri Jagdish Prasad Meena was posted as Joint Secretary in the Ministry of Agriculture and the other one Shri Raj Prasad Singh who is also a 1983 batch IAS officer was posted as Joint Secretary (Enquiry) in PMO since 29.10.2004 and continued there till 28.10.2007. Hence, in view of the decision taken by the Tribunal in the case of Dr. Badri Singh Bhandari (supra) pursuant to the recommendations of the Sixth Central Pay Commission , the applicant is also entitled to get the benefit of non functional upgradation being similarly placed like the applicants in OA No. 761/2012 which has also been implemented vide order dated 24/29th April, 2014. In this case also, the Tribunal records in Para 7 of the judgment as under:-

"7. Be that as it may, it is not in dispute that the issue involved in the Application is squarely covered by the judgment of the Tribunal in Dr. Badri Singh Bhandari (supra). The respondents also do not dispute the fact that two officers of 1983 batch were given the post of Joint Secretary, who are two years junior to the applicant and, therefore, in terms of the decision on the recommendations of the Six Central Pay Commission which has also been accepted by the Government of India, the applicant is entitled to get the same benefit which has been given by this Tribunal to the applicants of the aforesaid OA No.761/2012. The facts of the instant Application being identical and the issue also being similar to that of OA No. 761/2012, there is no reason for us not to grant the same benefit to the applicant which has been granted to the applicants of the aforesaid OA."

Therefore, the Tribunal in aforesaid OA No. 2143/2014 has stated that Shri Tushar Ranjan Mohanty's case is similar to Dr. Badri Singh Bhandari, as both the IAS officers being junior to him have been posted as Joint Secretary with effect from a particular date and while giving this judgment, the CAT has noted that the order passed by the Ministry of Finance, Deptt. of Expenditure dated 24/29.04.2014 granting SAG to 65 IES officers has been sent to DoPT to examine the matter and the DoPT had advised them to keep the implementation in abeyance and sent the complete case, including relevant file to examine the issue further. When the DoPT/Deptt. took the matter before the Hon'ble High Court in Writ Petition (Civil) No. 3730/2015, the Hon'ble High Court dismissed the petition.

19. In as much as a coordinate Bench of this Tribunal in OA No. 669/2015 have disallowed the same relief as being prayed for in the present OAs, we do not wish to take a divergent view in the present matters and accordingly dismissed the present OAs.

20. However, in the facts and circumstances, there shall be no order as to costs.

21. A copy of this order be placed on each file(s) of the above OAs.