(2012) 05 DEL CK 0071

In the Delhi High Court

Case No : Writ Petition (C) 17546-65 of 2006

Krishna Raja P. and Ors APPELLANT

Vs

Uoi and Ors RESPONDENT

Date of Decision : 24-05-2012

Acts Referred:

Citation : (2012) 05 DEL CK 0071

Hon'ble Judges : V.K. Shali, J;Badar Durrez Ahmed, J

Bench : Division Bench

Advocate : A.S.N. Murti and Ms Bimla Devi, for the Appellant; Ravinder Agarwal (CGSC), for the Respondent

Judgement

Badar Durrez Ahmed, J.—This writ petition is directed against the order dated 14.02.2006 passed by the Central Administrative Tribunal, Principal Bench, New Delhi in O.A. No. 382/2006. It is also directed against the order dated 08.05.2006 passed in RA No. 68/2006. The prayer made by the petitioners in the said original application was to direct the respondent No.1 to grant benefit of upgraded pay scale of.6500-20010500 to the applicants on notional basis with effect from 01.01.1996 with actual payments being made from 19.02.2003. The petitioners are Accountants in the Research and Analysis Wing (RAW) of the Cabinet Secretariat. They had sought the benefit under O.M. dated 28.02.2003 on the subject of pay scales for the staff belonging to the organized accounts department. Two submissions were made by the petitioners before the Tribunal. The first submission being that they are part of the organized cadre in the Research and Analysis Wing of the Cabinet Secretariat and secondly that the pay parity ought to have been maintained with other accounts departments in the Government of India even after the implementation of the recommendations of the 5th Central Pay Commission with effect from 01.01.1996. The contention of the petitioners was that they were in the scale of.5500-175-9000. In the case of other accounts departments this scale has been revised to.6500-200-10500. However, no revision has taken place insofar as the petitioners are concerned.

2. The petitioners had also impugned the memorandum dated 23.09.2005. The petitioners had submitted representations regarding extension of the benefit of revised pay scale of.6500-10500 to them on the analogy of pay scales granted to Section Officers of organised accounts cadres in various Ministries/Departments. By virtue of the said memorandum the petitioners were informed that the matter had been referred to the Internal Finance Unit (IFU) and the Ministry of Finance (Implementation Cell) and the latter had stated that there can be no parity in the pay scales between "isolated posts" and the posts with similar pay scales in organised accounts cadres where a clear-cut hierarchy exists. Consequently, the representations were rejected by virtue of the said memorandum.

3. The learned counsel for the petitioners pointed out that though the plea with regard to the accounts cadre in the Research and Analysis Wing of the Cabinet Secretariat being an organized one had been taken by the petitioners before the Tribunal, the Tribunal has not returned any findings thereon. It was specifically pleaded that there was a hierarchy of posts namely, Accountants, Accounts Officer and Under Secretary (F)/ Senior Accounts Officer, in ascending order. The Accountants constituted the feeder cadre for the Accounts Officers and the latter constituted the feeder cadre for Under Secretary (F)/ Senior Accounts Officers. There were also well defined recruitment rules. Thus, according to the learned counsel for the petitioners, the accounts cadre in the Research and Analysis Wing was an organized cadre contrary to the view expressed in the said memorandum dated 23.09.2005.

4. Unfortunately, the Tribunal has not taken note of these facts. It is clear from the above that since there is a clear cut hierarchy of posts and the promotional avenues have been provided from one stage to the other, the accounts cadre in the Research and Analysis Wing of the Cabinet Secretariat cannot be regarded as isolated posts but has to be considered to be an organized cadre.

5. Insofar as the question of pay parity is concerned, we feel that this matter ought to have been examined by the Tribunal in detail in view of the submissions made by the petitioners. Unfortunately, the Tribunal has abdicated its function and

has not gone into this issue at all. The petitioners are claiming the benefit of the OM dated 28.02.2003. The petitioners contend that they are entitled to the same revision that the other organized accounts departments have been granted. We are not examining this aspect of the matter here in view of the fact that we propose to remit the matter, on this aspect, to the Tribunal for a consideration by them.

6. Consequently, while we hold that the accounts cadre in the Research and Analysis Wing of the Cabinet Secretariat is an organized cadre, we remit the matter to the Tribunal on the aspect as to whether the petitioners are entitled to the pay scale.6500-200-10500 or not upon a consideration of the OM dated

28.02.2003 and other relevant material which is already on record. The Tribunal while deciding the matter shall also consider its decision in the case of J.R. Chobedar v. Union of Indian & Ors. in OA No. 208/1997 decided on 24.02. 2004. The impugned order is set aside. The Tribunal shall decide the matter as expeditiously as possible and preferably within four months. In the first instance the parties shall appear before the Tribunal on 09.07.2012. The Writ petition stands disposed of.

