

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3155/2015**

RAM NATH Petitioner
Through **Mr. Vinod Zutshi, Advocate**

versus

SECRETARY MINISTRY OF DEFENCE & ORS.... Respondents
Through **Mr. Rakesh Kumar, Standing**
Counsel for the UOI

CORAM:

HON'BLE MR. JUSTICE KAILASH GAMBHIR

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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27.03.2015

KAILASH GAMBHIR, J. (ORAL)

By this Writ Petition filed under Articles 226 and 227 of the Constitution of India, the petitioner questions the tenability of the impugned order dated 05.12.2014 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (*hereinafter referred to as the 'learned Tribunal'*) in Original Application (*in short 'OA'*) No. 4173/2013.

The learned counsel for the petitioner contends that the petitioner was appointed as Halwai on 22.10.1983 in the Pay Scale of Rs. 200-3-212-4-232-EB-4-240/- but has been denied the approved Pay Scale and Grade as recommended by the 5th and 6th Central Pay Commission on the

post of Halwai which further includes the grant of special pay as per the order of the Government of India and also the benefits under the ACP and MACP schemes.

We have heard the learned counsel for the petitioner.

The OA preferred by the petitioner has been dismissed by the learned Tribunal on the ground of limitation and also on the merits of the claim of the petitioner.

Mr. Rakesh Kumar, the learned Standing Counsel who appears on advance notice on behalf of the respondents has drawn attention of this Court to the Office Memorandum No. 3/1/(IV)/97-Dir (C), dated 24.09.1998, read with addendum of even number, dated 21.10.1998 issued by the Dept. of Per. & Trg., Government of India in support of his submission that the petitioner was appointed as a Cook and on the recommendations of 5th Central Pay Commission, his Pay Scale was revised to Rs.3050-75-3950-80-4590/- but the petitioner has been illegally claiming the Pay Scale of Halwai which was revised on the recommendations of 5th Central Pay Commission to Rs. 3200-85-4900/- and the petitioner wants to derive undue benefits of the expression 'Halwai' as is used in his pension papers and also in certain documents, while the fact remains that the petitioner was appointed as a Cook and not

a Halwai. The learned counsel also invited the attention of this Court to the extract of the relevant service record of the petitioner placed at 30 of the present paper book wherein the Pay Scale of the petitioner referred was that of a Cook, the same being at page No. 111 and in this sheet the designation of the petitioner also has been referred to as a Halwai (Cook). The learned counsel also submits that the petitioner has already been granted all the necessary revisions in his Pay Scale pursuant to the recommendations of the 5th & 6th Central Pay Commission and other financial upgradations which were admissible to him but the petitioner is not entitled to Grade Pay which was admissible on the post of Halwai.

We find considerable merit in the contentions raised by the learned Standing Counsel for the respondents and also the reasoning given by the learned Tribunal in their order. We find no merit in the present petition and the same is hereby dismissed.

KAILASH GAMBHIR, J.

I.S.MEHTA, J.

MARCH 27, 2015

v