

**HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND**

HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No. 15299 OF 2016

Date: 28.04.2016

Between:

Union of India,
Rep. by its Secretary,
M/o. Defence, Govt. of India,
South Block, New Delhi, and others.

..... Petitioners

And:

Suman Kumar Singh,
S/o. Late P.N. Singh,
Occ: Upper Division Clerk,
Air Force Station, Begumpet, and others.

.....Respondents

Counsel for the Petitioners: Sri B. Narayana Reddy,
Assistant Solicitor General

Counsel for Respondent Nos. 1 to 47: Sri K.R.K.V. Prasad

The Court made the following:

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ORDER *(Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

The Union of India and the functionaries of Ministry of Defence filed this writ petition feeling aggrieved by order dated 25.01.2016 in O.A.No.1004 of 2012 on the file of the Central Administrative Tribunal at Hyderabad (for short 'the Tribunal').

The said O.A was filed by respondent Nos.1 to 53 (hereinafter referred to as 'the private respondents') claiming parity to the extent of payment of the benefit of Non-Functional Sub-Grade (NFSG) pay of Rs.4,200/-. It is their pleaded case that while they were working in ministerial cadre in petitioner Nos.5 to 8 – units under the control of petitioner No.4, their counter parts in the Central Secretariat Clerical Service (CSCS) and Air Force Head Quarters (AFHQ), who are discharging similar functions, are being paid NFSG pay. On a detailed consideration of the respective pleadings of the parties, the Tribunal allowed the claim of the private respondents following the judgments of the Principal Bench as well as the Ernakulam Bench of the Central Administrative Tribunal.

At the hearing, Sri B. Narayana Reddy, learned Assistant Solicitor General, has not disputed that the cases decided by the Principal Bench and Ernakulam Bench of the Administrative Tribunal involved the issues identical to that raised in O.A.No.1004 of 2012 filed by the private respondents before the Tribunal. He has however stated that the said orders are under challenge.

Sri K.R.K.V.Prasad, learned counsel for the private respondents submitted that the orders of the Principal Bench and Ernakulam Bench, based on which the Tribunal has allowed the O.A, have not been challenged before any Court.

Except making a submission that the orders of the said two Benches are subject matter of challenge, the learned Assistant Solicitor General has not placed before the Court the details such as the Forum in which the orders are challenged and their reference. However, it is not the pleaded case of the learned counsel for the petitioners that even if these orders are under challenge, the same

have been stayed or suspended.

In our opinion, the Tribunal has correctly followed the previous orders of the Principal Bench and Ernakulam Bench as there was nothing to show that operation of these orders is stayed. Therefore, we do not find any jurisdictional error or illegality in the order of the Tribunal in allowing the OA. However, it is made clear that if the previous orders following which the Tribunal allowed the O.A.No.1004 of 2012 are set aside or in any manner modified by the competent court, the petitioners are entitled to act in accordance with those orders qua the private respondents also.

Subject to the liberty given to the petitioners as above, the writ petition is dismissed.

As a sequel, W.P.M.P.No.18963 of 2016 filed by the petitioners for interim relief stands disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

M.S.K.JAISWAL, J

Date: 28.04.2016

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