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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 2850/2014 & CM No.5903/2014 (for stay)
PRAKASH SINGH & ORS Petitioners
Through: Mr. Raghav Shankar, Adv.

Versus

SECRETARY, MINISTRY OF FINANCE & ANR..... Respondents
Through: Mr. Sanjay Jain, ASG with Mr. Anil
Soni & Mr. Anurag Ahluwalia, Adv.
for UOI.

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER
% **02.03.2016**

1. The petition was filed impugning the Resolution No.1/1/2013-E.III(A) dated 28th February, 2014 of the Department of Expenditure, Ministry of Finance, Government of India appointing the Seventh Central Pay Commission (SCPC) comprising of Justice (Retd.) Ashok Kumar Mathur as Chairman, Sh. Vivek Rae and Dr. Rathin Roy as members and Smt. Meena Agarwal, IRAS (Indian Railway Accounts Service), as Secretary, on the ground that the presence of Sh. Vivek Rae who is a retired Indian Administrative Service (IAS) officer as a member would result in a bias in the recommendations of the Pay Commission in favour of the IAS and to the detriment of the other Central and All India Services.
2. The five petitioners are retired officials of Indian Police Service (IPS), Navy, IRAS and Indian Revenue Service (IRS) and it was their contention that the presence of a retired IAS officer as a member of the Commission

would influence the recommendation of the SCPC in favour of IAS as has been in the past.

3. The petition was entertained though no interim order was granted.
4. The SCPC has since then, in November, 2015, submitted its report / recommendation to the Government of India and which according to the counsel for the petitioners is pending consideration before the Empowered Committee of Secretaries of the Government of India.
5. The counsel for the petitioners states that in the report / recommendations submitted, the Chairperson has recommended parity between IAS, IPS and Indian Forest Service (IFS) i.e. All India Services. It is further stated that Dr. Rathin Roy, Member has recommended doing way with the edge in favour of the IAS and that if it has to be maintained there should be a separate recruitment process for the IAS to the exclusion of others. It is yet further stated that Sh. Vivek Rae, Member has recommended maintaining the *status quo* as in the recommendations of the earlier Pay Commissions starting from Third Pay Commission accepted by the Government.
6. The counsel for the petitioners today confines the relief in the writ petition to consideration of the writ petition as a representation by whichever Authority / Body in the Government is considering the report / recommendation of the SCPC and taking a decision thereon.
7. Learned ASG has fairly stated that along with the other representations received, the writ petition would also be considered as a representation.

8. Recording the aforesaid and binding the respondents therewith, the petition is disposed of.

No costs.

RAJIV SAHAI ENDLAW, J

MARCH 02, 2016
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