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

+ W.P.(C) 10186/2015, CM No.25144/2015

THE CHAIRMAN, NATIONAL TECHNICAL RESEARCH
ORGANIZATION (NTRO) & ORS Petitioners

Through: Mr. Sanjeev Narula, Adv.
versus

R.S. JASWAL Respondent
Through: Respondent in person.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

18.03.2016

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We have heard learned counsel for the petitioner and Mr. R.S.Jaswal who appears in person. The petitioners for the sake of convenience have been described as National Technical Research organisation or NTRO.

It is an accepted and admitted position that Mr. R.S.Jaswal, Mr.S.K. Walia and Mr.B.P.Bhatnagar had joined NTRO as Technical Officer on 21st February, 2006 in the pay scale of Rs.8000-13,500/-. They were earlier working as Field Officer in ARC (Aviation Research Centre) under Directorate General Security. Mr. R.S. Jaswal, Mr. S.K.Walia and Mr. D.P.Bhatnagar were members of the same organization before they were absorbed and taken in NTRO.

On the basis of recommendations of the fitment committee, Mr. S.K.Walia and Mr. D.P.Bhatnagar and two others were granted one increment on the ground that they would be retiring on or before 1st January, 2012 and therefore they would not be eligible for consideration to the next

Grade. Similar benefit was not granted to the respondent Mr. R.S.Jaswal as he was to retire on 31st July, 2015 and was eligible for being considered for promotion in 2012.

The grievance of the respondent is that he was performing the same duties as Mr. S.K.Walia and Mr. B.P. Bhatnagar who was whose juniors. They having joined as Deputy Field Officer subsequent to him and were also below him in the seniority list.

The Tribunal in the impugned order dated 27th July, 2015 has accepted OA No.3347/2014 filed by Mr. R.S.Jaswal observing that this is a case of discrimination as the respondent and the other two namely Mr. S.K. Walia and Mr. B.P.Bhatnagar were similarly placed.

Having heard counsel for the petitioner and the respondent who appears in persons, we are in agreement with finding given by the Tribunal. The following table quoted in the order of the Tribunal brings out the factual position and the difference in the pay scale:-

	Applicant	Juniors
	R.S.Jaswal	S.K.Walia D.P.Bhatnagar
Date of Joining as DFO(T)	26.04.1976	01.06.1976 01.06.1976
Ranking in seniority list on joining NTRO as TO(C)	10	11 16
Basic Pay on 01-01-2006 before joining NTRO as TO(C)	Rs.24890/-	Rs.24890/-
Basic Pay on 21.02.2006	Rs.24890/-	Rs.25640/- Spl. Increment on joining NTRO as

		TO(C)
Basic Pay on 1.7.2006	Rs.25640/-	Rs.26410/-
Basic Pay on 1.7.2007	Rs.26410/-	Rs.27210/-
Basic Pay on 1.7.2008	Rs.27210/-	Rs.30110/-
Basic Pay on 1.7.2009	Rs.30110/-	Rs.31020/-
Basic Pay on 1.7.2010	Rs.30110/-	RS.31020/- (Retired)

It is noticeable that that difference in basic pay as on 30th June, 2010 had increased to about Rs.910/-. For serviceman the difference was substantial. As noticed above, the next promotion was given to the respondent only in 2012 and as a result of the said promotion in the year 2012, there was an enhancement in the salary by Rs.2,000/- per month. It is in these circumstances, we feel that the justification or the reason given for granting one increment to Mr. S.K.Walia and Mr. B.P.Bhatnagar can hardly be justified and explained. It is accepted that the respondent was performing the same duty as others. It is obvious that the petitioner-NTRO wanted to make an observation attractive and therefore they set up the Fitment Committee though Mr. R.S.Jaswal, Mr. S.K.Walia and Mr. B.P.Bhatnagar in their parent/original organization were also in the same pay bracket of Rs.8,000-13,500/-. The respondent obviously was aggrieved because his juniors started getting higher scale to him pursuant to the orders passed by the Fitment Committee. We feel that when the Fitment Committee held that the juniors to the respondent should be paid and granted one increment, the same principal should have been applied in the case of the respondent.

The writ petition has no merit and is accordingly dismissed.

SANJIV KHANNA, J.

NAJMI WAZIRI, J.

MARCH 18, 2016/ak