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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 11611/2015

UNION OF INDIA

..... Petitioner

Through Mr. Arun Bhardwaj, CGSC with Mr.
Ashish Chatterjee, Section Officer.

versus

CENTRAL GOVERNMENT STAFF CAR DRIVERS

ASSOCIATION & ANR

..... Respondent

Through Mr. Padma Kumar S., Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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22.04.2016

The order under challenge dated 31st July, 2015 passed by the
Principal Bench of the Central Administrative Tribunal, New Delhi in
OA No.4310/2013, in the operative portion records:-

“8. Summing up the position the impugned order at Para 11 states that since Over Time Allowance is to be replaced by PRIS, the OTA suggested by the Applicant Association in the OAs cannot be considered.

9. At this stage, learned counsel for the respondent submits that all the recommendations made by the Committee of Secretaries in its meeting held on 31.01.2011, which in turn is based on the recommendation of the 6th CPC, shall be considered for implementation by Government and communicate to the applicant by a reasoned and speaking order within the period of three months

from the date of receipt of a copy of this order.

10. We agree with the aforementioned submissions of the respondents counsel including the time-frame suggested by him, we accordingly direct the respondent to take action as per the submission of the respondents counsel. Since as per para 11 of the impugned communication dated 23.10.2012, OTA is to be replaced by PRIS, it is expected that the said speaking order shall incorporate the decision for implementation of PRIS in line with the recommendation of the 6th CPC that it will be payable as an extra component over and above the salary, it shall also specify the level of PRIS for various levels of salary.”

2. The petitioner, who was the respondent in the OA, has limited grievance with regard to the directions given in the last sentence of paragraph 10 to the effect that decision for implementation of Performance Related Incentive Scheme (PRIS) should be in line with the recommendations of the Sixth Pay Commission and incorporated therein. He submits that it is open to the Government to examine the Performance Related Incentive Scheme and implement the same in a just and fair manner.

3. Learned counsel appearing for the respondents states that he has no objection in case the aforesaid portion of the last sentence is appropriately modified/deleted, but the petitioner i.e. Government of India must take a decision as the Sixth Pay Commission's report was accepted in the year 2008 and their recommendations have been

implemented with effect from 1st January, 2006. It is pointed out that the respondents-Divers are being paid Overtime Allowance as per the procedure and rate prescribed in the Office Memorandum dated 19th March, 1991 and review and upgradation is required.

4. In other words, the respondents are aggrieved as it has taken nearly eight years for the petitioner to decide the method and mode etc. regarding implementation of the PRIS.

5. In view of the statement made by the counsel for the respondents and petitioners, we clarify that the petitioner will examine the issue of replacement of Overtime Allowance by PRIS and pass an appropriate and reasoned order. Observations made in this last sentence “in line with the recommendation of the 6th CPC” etc. will not be treated as binding directions. The said exercise, learned counsel for the petitioner on instructions from Mr. Ashish Chatterjee, Section Officer, it is stated would be completed by 30th June, 2016. We take the said statement also on record and direct accordingly.

The writ petition is disposed of.

Dasti.

SANJIV KHANNA, J.

NAJMI WAZIRI, J.

APRIL 22, 2016/NA