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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 25/2016, C.M. NOS.76/2016 & 77/2016**

RAJENDER SINGH Petitioner
Through : Sh. Anand Nandan and Sh. D.S. Mishra,
Advocates.

versus

UNION OF INDIA AND ORS Respondents
Through : Ms. Nisha, Advocate.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MS. JUSTICE DEEPA SHARMA

% **ORDER**
05.01.2016

The petitioner claims that the Grade Pay fixation in his case has been wrongly made.

The petitioner, a Central Government pensioner, was working at the relevant time in the Railway Protection Force (RPF) as an Assistant Sub-Inspector (ASI).

With the advent of the Sixth Central Pay Commission [hereafter "6 CPC"] recommendations and its acceptance, the petitioner's pay scale was determined to be ₹5200-20200/- with Grade Pay ₹2800/-. He retired on 29.02.2008 and his pension fixation was in accordance with the last pay drawn, i.e. in the pay scale of ₹5200-20200 with Grade Pay ₹2800/-. He claims to have made several applications under the RTI Act, 2005 to the concerned authorities for the reasons of non-compliance with respect to payment of Grade Pay of ₹4200/-. He, therefore, has approached the Court.

Learned counsel for the petitioner relies upon the Pay Fixation Order issued by the Northern Railway which records *inter alia* that before implementation of 6 CPC recommendations, his pay scale was ₹4000-6000/- and that the existing emoluments as on 01.01.2006 were: Basic Pay-₹5000/-; DA-₹2500/- and DA-₹1800/- (pre-6 CPC recommendations). After implementation of 6 CPC recommendations, his pay was fixed in the Pay Band PB-1 in the pay scale ₹5200-20200/- with Grade Pay of ₹2800/- and his pay in the revised Pay Band was fixed at ₹9300/-. The relevant extracts of the Pay Fixation Order was relied upon as follows:

6.	<i>Revised pay band and Grade Pay corresponding to the pre-revised scale shown at SI.4 above In case of HAG+ and above the appropriate Scale be mentioned</i>	<i>Pay Band: 5200-2020 0 Grade Pay: 2800</i>
7.	<i>Pay in revised Pay Band</i>	<i>9300</i>
8.	<i>Grade Pay</i>	<i>2800</i>
	<i>Total:</i>	<i>12100</i>

The relevant extract of the First Schedule to the *Railway Services (Revised Pay) Rules, 2008* reads as follows:

<i>Present Scale</i>			<i>Revised Pay Structure</i>		
<i>SI. No.</i>	<i>Post/Grade</i>	<i>Present Scale</i>	<i>Name of Pay Band/Scale</i>	<i>Corresponding Pay Bands/Scales</i>	<i>Corresponding Grade Pay</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>	<i>(6)</i>
<i>1</i>	<i>S-1</i>	<i>2550-55-2660-60-3200</i>	<i>-1S</i>	<i>4440-7440</i>	<i>1300</i>
<i>XXXXXX</i>			<i>XXXXXX</i>		
<i>8</i>	<i>S-7</i>	<i>4000-100-6000</i>	<i>PB-1</i>	<i>5200-20200</i>	<i>2400</i>
<i>9</i>	<i>S-8</i>	<i>4500-125-7000</i>	<i>PB-1</i>	<i>5200-20200</i>	<i>2800</i>
<i>10</i>	<i>S-9</i>	<i>5000-150-8000</i>	<i>PB-2</i>	<i>9300-34800</i>	<i>4200</i>
<i>XXXXXX</i>			<i>XXXXXX</i>		

It can be seen from the above discussion that the petitioner does not dispute his pay fixation in the Post/Grade S-8, i.e. a grade equivalent to pay scale ₹4500-7000/- even though his pre-revised pay scale was in the grade of ₹4000-6000/-. Such being the case, in the corresponding column, i.e. revised pay structure, he was fixed at the appropriate scale of ₹5200-20200/-. This carried the Grade Pay ₹2800/-.

The petitioner, in our opinion, has approached this Court under a mistaken notion that his pay fixation in the revised pay band (PB-1) at ₹9300/- automatically translates to fixation in the next higher Pay Band (PB-2), i.e. ₹9300-34800.

On implementation of 6 CPC recommendations, his pay was fixed in the pay scale ₹5200-20200/- with Grade Pay ₹2800/- in Pay Band PB-1 and simply because in the said Pay Band, his salary was fixed at ₹9300/- does not make him entitled to get the Grade Pay of ₹4200/- which is assigned to the Pay Band PB-2 against Pay Scale ₹9300-34800/-. Consequently, there is no infirmity in the grant of Grade Pay of ₹2800/- to him and the petitioner cannot claim the Grade Pay that he does, i.e. ₹4200/-.

For the above reasons, the writ petition is without merit. It is accordingly dismissed.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

JANUARY 05, 2016
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