

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.35044 OF 2013

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The Union of India and its Secretary in the Ministry of Finance, Government of India, New Delhi, filed this writ petition aggrieved by the order dated 02.07.2013 passed by the Central Administrative Tribunal (*hereinafter*, 'the Tribunal'), Hyderabad Bench, Hyderabad, in O.A.No.698 of 2010. The said O.A. was filed by respondents 1 to 19 herein assailing the action of the Ministry of Finance, Government of India, in denying them higher grade pay following the recommendations of the VI Central Pay Commission and extension of non-functional grade of Rs.5,400/-. A consequential direction was sought to the authorities to grant the pre-revised pay scales of Rs.7,500-12,000 (V Central Pay Commission) and Rs.9,300-34,800 (corresponding pay in VI Central Pay Commission) with grade pay of Rs.4,800/- to the cadre of Group-B Senior Grade of Indian Information Service and consequent extension of non-functional grade of Rs.5,400/- in the Pay Band-2 of Rs.9,300-39,100 after completion of four years of regular service.

Perusal of the order dated 02.07.2013 reflects that the Tribunal took note of the Minutes of the meeting of the Joint Secretary, Ministry of Information and Broadcasting, with representatives of the IIS Group B Association on 08.05.2013, wherein the proposal for upgradation of Grade Pay Senior Grade of IIS Group-B from Rs.4,600/- to Rs.4,800/- and Grade Pay of Rs.5,400/- in PB-2 of Senior Grade Group-B Officers having four years of regular service was considered and it was decided that the same would have to be redrafted and sent to the Prime Minister's office for consideration. The Tribunal therefore observed that efforts were being

made by the Ministry of Information and Broadcasting for revision of pay scales of the applicants as prayed for by them in the O.A. and accordingly disposed of the said O.A. with a direction to take up the matter with the appropriate authority as per the Minutes of the meeting referred to earlier and take a decision as expeditiously as possible but not later than three months from the date of receipt of the order.

Perusal of the writ affidavit does not disclose any disclaimer or denial as to the holding of a meeting by the Ministry of Information and Broadcasting with the representatives of IIS Group-B Association on 08.05.2013 and the decision taken therein to redraft the proposal and send it to the Prime Minister's office. It is merely stated that though the Ministry of Information and Broadcasting recommended the grant of higher grade pay to Senior Grade Group-B officers of IIS, the decision of the Nodal Ministry, i.e., the Ministry of Finance, Government of India, would be final and the intermediary recommendation of the administrative Ministry would not be the decision of the Government.

Even if the Ministry of Finance holds the purse strings, it cannot preclude the recommendations made by another Ministry from being considered. All that the Tribunal directed was that the proposal made by the Ministry of Information and Broadcasting should be placed before the Prime Minister's office for due consideration and a decision should be taken thereon. We fail to understand as to how such process can be stalled by the Ministry of Finance, Government of India, by assuming unto itself a higher status over and above the Prime Minister's office. The very filing of this writ petition was unjustified as no positive mandate was issued by the Tribunal and all that was required was consideration of the redrafted proposal of the Ministry of Information and Broadcasting. It is not open to one Ministry of the Government to file a writ petition against

another Ministry of the very same Government. Be it viewed from any angle, we find this writ petition to be utterly misconceived.

The writ petition is accordingly dismissed.

Interim order dated 16.12.2013 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

M. GANGA RAO, J

Dt: 07.09.2018
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