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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7106/2014**

LT. GOVERNOR OF DELHI & ANR Petitioners
Through: Ms.Sriparna Chatterjee, Advocate for
DDA.

versus

S.C. GUPTA Respondent
Through: Mr.Anil Singal, Advocate.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH

ORDER
% **07.11.2019**

1. The present petition by the Government of NCT of Delhi is directed against an order dated 20th November, 2013 passed by the Central Administrative Tribunal ('CAT') allowing O.A.No.2351/2012 filed by the Respondent and directing that the Petitioner will grant to the Respondent the revised pay-scale of Rs.2000-3200/- with effect from 15th September, 1986 i.e. the date of the promotion of the Respondent as Superintendent along with arrears and other consequential benefits as admissible under the rules and instructions.

2. The background to the present petition is that the Respondent was appointed in Delhi Development Authority as a Lower Division Clerk ('LDC') on 8th May, 1967. He was promoted as UDC on 25th November, 1968 and later on as Assistant on 12th October, 1978. He was promoted as Superintendent with effect from 15th September, 1986 in the pay scale of Rs.550-900/-, which was subsequently revised to Rs.1640-2900/-. On 1st

May, 1992 he was promoted as Assistant Director in the revised pay-scale of Rs.6500-10500/- and as Deputy Director on 30th January, 2002 in the pay-scale of Rs.10000-15200/-.

3. Consequent to the report of the 4th Central Pay Commission (CPC), the post of Assistant was placed in the pay-scale of Rs.425-700/- (revised pay scale of Rs.1400-2600/-). For the post of Superintendent, which was a promotional post *qua* the post of Assistant, the pay scale was fixed at Rs.550-990/- (revised to Rs.1640-2900/-). The post of Assistant Director, which is the next promotional post, was placed in the pay scale of Rs.650-1200/- (revised to Rs.2000-3200/-) with effect from 1st January, 1986.

4. The DDA adopted the revised pay-scale for the post of Assistants with effect from 1st January, 1996 and not from 1st January, 1986. Further, since the post of Superintendent was the next promotional post, it could not remain in the same pay scale. The DDA, therefore, created an intermediary scale (of Rs.2000-3200) with effect from 1st January, 1996 for the post of Superintendent by an order dated 7th October, 1996. With Assistants of the DDA being granted pay-scale of Rs.1640-2900/- with effect from 1st January, 1996, there was an anomalous situation inasmuch as the pay-scale of Assistants as well as the promotional post of Superintendent become the same i.e. Rs.1640-2900/- with effect from 1st January, 1986.

5. The Respondent submitted a representation that the revised pay-scale of the Superintendent of Rs.2000-3200/- should also be granted with effect from 1st January, 1986 as was given to the Assistants when their pay-scale was revised. The said representation was rejected and this led the

Respondent to file the O.A.No.1621/2011 in the CAT.

6. On 13th February, 2012, the said O.A. No.1621/2011 was disposed of by the CAT with a direction to the Petitioner herein to consider the representation of the Respondent (Applicant in the O.A.No.1621/2011) in the light of the grounds taken in the O.A. and the judgment of this Court.

7. At this stage, it must be noticed that under similar circumstances when the Personal Assistants, which was a promotional post for the post of senior stenographers, were denied the revised intermediate pay-scale with effect from 1st January, 1986, they approached this Court with W.P.(C) No. 2771/2003. This Court by its judgment dated 23rd April, 2004 accepted their plea and held that the PAs should be given the pay-scale of Rs.2000-3200/- with effect from 1st January, 1986, the date on which the pay-scale of the senior stenographers were revised. The judgement of this Court was challenged in SLP (C) No. 3858/2006 (*DDA v. Meena Roy*) which was dismissed by the Supreme Court on 10th May, 2008 on the ground of delay. However, the question of law raised in the petition was left open.

8. In the impugned order, accepting the Respondent's plea, the CAT has referred to the order of this Court and issued directions to the present Petitioner to grant the Respondent the revised pay-scale of Rs.2000-3200/- with effect from the date of his actual promotion as Superintendent on 15th September, 1986.

9. Learned counsel for the Petitioner submitted that for the period between 1st January, 1986 and 1st January, 1996, the Petitioner should be free to fix

the pay-scale of Superintendent, which had to be different from the revised pay-scale of the Assistants. In other words, it is submitted that for this period the Petitioners should be free to fix any pay scale that was higher than that of the Assistants, but not necessarily Rs.2000-3200/-.

10. The Court notices that the decision to revise the scale of Superintendent to Rs.2000-3200/- was consequential upon the recommendations of the 4th Central Pay Commission. While the revised pay-scale was accepted to be implemented for Assistants with effect from 1st January, 1986, by an order dated 7th January 2003, the same benefit was not extended to Superintendents. When for Assistants for the period between 1st January, 1986 to 1st January, 1996 it was not considered necessary to have a different revised pay scale, there is no reason why only for Superintendents, the already revised pay-scale of Rs.2000-3200, should not be granted from 1st January, 1986.

11. Consequently, the Court finds no reason to interfere with the order of the CAT. The petition is therefore dismissed.

S. MURALIDHAR, J.

TALWANT SINGH, J.

NOVEMBER 07, 2019

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