

\$~18.

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

+ W.P.(C) 3256/2018

OM PRAKASH SINGH ..... Petitioner

Through: Mr. T.N. Tripathi, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION & ORS.

..... Respondent

Through: Ms. Biji Rajesh, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

**HON'BLE MR. JUSTICE A. K. CHAWLA**

**ORDER**

**10.01.2019**

%

The petitioner assails the order dated 08.08.2016, passed by the Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in O.A. No. 3118/2013. The said Original Application had been preferred by the petitioner to seek re-fixation of his pay under the 6<sup>th</sup> Central Pay Commission (CPC). The same has been rejected. The petitioner had claimed that in terms of Rule 7(i) D Note 2A of the CCS Revised Pay Rules, 2008, multiplication factor 1.86 should have been applied on Rs. 7450/-, and not Rs. 6500/-. The order passed by the Tribunal reads as follows:

*“Heard the learned counsel.*

*2. The applicants are Junior Law Officer in the Law Department of North Delhi Municipal Corporation. Their pre-revised scale was Rs.6500-10500/-. They were granted the*

*revised pay scale of PB-2, i.e. Rs.9300-34800, plus Grade Pay Rs.4600/-.*

*3. The claim of the applicants is that on the basis of the fact that their pay scale as per 6th CPC was treated as Rs.7450-11500/-, therefore, as per Rule 7(i)D Note 2A of CCS Revised Pay Rules 2008, multiplication of the factor 1.86 should have been done by Rs.7450/- and not Rs.6500/-.*

*4. The respondents have cited the relevant Rule 7(i)D Note 2A of CCS regarding such cases, which is as follows :- “Where a post has been upgraded as a result of the recommendations of the sixth CPC as indicated in Part-B or Part-C of the first schedule to these Rules, the fixation of pay in the applicable pay band will be done in the manner prescribed in accordance with Clause A(i) and (ii) of Rule 7 by multiplying the existing basic pay as on 1.1.2006 by a factor 1.86 and rounding the resultant figure to the next multiple of ten. The grade pay corresponding to the upgraded scale as indicated in Column 6 of Part B or C will be payable in addition. Illustration 4A in this regard is in the Explanatory Memorandum to these Rules.”*

*5. It is clear that the pay fixation has been done in terms of the said rules and no irregularity is made out. The O.A. is, therefore, dismissed. No order as to costs.”*

We are dismayed to see the manner in which the petitioner's claim has been dealt with by the Tribunal. The issue which arises for our consideration is not whether the petitioner's claim is justified, or not. We are concerned about the manner in which the Tribunal has gone about discussing the petitioner's claim. There is absolutely no reason discernible from the impugned order as to on what basis the Tribunal has come to the finding that the pay fixation had been done in terms of the Rules, and there is no irregularity in the said process.

The Tribunal was expected to analyse the facts in the light of the Rules and to explain, as to how it has arrived at its aforesaid conclusion upon application of the Rules.

We, therefore, set aside the impugned order and remand the case back to the Tribunal. The Tribunal is directed to pass a considered and reasoned order which should clearly reflect the basis of its decision. The parties shall appear before the Tribunal on 22.01.2019.

The petition stands disposed of in the aforesaid terms.

**VIPIN SANGHI, J**

**A. K. CHAWLA, J**

**JANUARY 10, 2019**

*N.Khanna*