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

+ **W.P.(C) 4537/2016**

UNION OF INDIA & ORS

..... Petitioners

Through: Mr. Arun Bhardwaj, CGSC for UOI.
Ms. Swati Jindal for P-2.

versus

SUDESH KUMAR & ORS

..... Respondents

Through: Mr.S.K.Gupta with Mr. Vikram
Singh, Advocates.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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09.01.2020

1. The Union of India through the Secretary, Department of Expenditure, Ministry of Finance and the Director, All India Institute of Medical Sciences (AIIMS) has in this petition challenged an order dated 15th July, 2015 of the Central Administrative Tribunal, Principal Bench ('CAT') allowing OA No. 3335/2011 filed by the 89 Respondents herein.

2. The CAT allowed the Respondents' OA No. 3335/2011 and issued the following directions in paras 17 and 18 of the impugned order, which read as under:-

"17. In view of the decisions in **Union of India and others v. V.K.Sharma and others** (supra), *Manoj Kumar and others, etc. V. High Court of Delhi represented by its Registrar General & others* (supra), and *D.G.O.F. Employees Association & Anr. v. Union of India and ors.* (supra), wherein the issues identical to the ones arising in the present O.A have been

specifically examined and decided by the Hon'ble High Court of Delhi after taking note of the order dated 24.06.2005 *ibid* issued by the Department of Personnel & Training, the O.M. dated 15.09.2006 *ibid* issued by the Department of Expenditure (respondent no. 2), the recommendations of the 6th CPC, vide paragraphs 3.1.9 and 3.1.4 of its report, and the CCS (RP) Rules, 2008, we find no substance in any of the contentions of Shri H.K. Gangwani, learned counsel appearing for respondent nos. 1 and 2. In none of the cases cited by Shri Gangwani, the order dated 24.06.2005, *ibid*, O.M. dated 15.09.2006 *ibid*, paragraphs 3.1.9 and 3.1.14 of the 6th CPC's report, and CCS(RP) Rules, 2008 have been examined by the Hon'ble Apex Court. Therefore, the decisions cited by Sh.Gangwani are of no help to the case of respondent nos. 1 and 2.

18. In the light of the above discussions, we find that the grounds mentioned in the order dated 16.11.2010 (Annexure 1 to the O.A.), on which the claims of the applicants have been rejected by respondent nos. 1 and 2, are unsustainable. Accordingly, the order dated 16.11.2010 (Annexure 1) is quashed, and we hold and declare that the Private Secretaries and personal Assistants working in the AIIMS are entitled to same non-functional pay scale (5th CPC) and upgraded pay scale (5th CPC) and corresponding 6th CPC Pay Bands and Grade Pays as have been granted to the Private Secretaries and Personal Assistants working in the Central Secretariat. The respondents are directed to issue appropriate orders and pay them arrears of pay and allowances within two months from today. However, on the facts and in the circumstances of the case, we disallow the claim of the applicants for payment of interest on arrears of pay and allowances payable to them on account of grant of pay scales/Pay Bands with Grade Pay with retrospective effect.”

3. The grievance voiced by the Petitioners is that the CAT could not have directed a particular pay scale to be fixed for the Respondents and that the said decision should have been properly left for the Petitioners to take.

4. The Court is unable to agree with the above submission. The question before the CAT was whether the Personal Assistants, Private Secretaries etc., working in AIIMS were entitled to parity of pay scales with their counterparts in the Central Secretariat.

5. Having accepted that plea, the direction issued by the CAT is consistent with the requirement of directions having to be unambiguous. Were there to be a lack of clarity on what orders the Petitioners are to issue, it would have led to further rounds of litigation.

6. Even otherwise, on merits the Court finds that the CAT has discussed the legal position in the light of several decisions of this Court as well as that of the Supreme Court and has come to the correct conclusion as regards the Respondents' plea of parity of pay scales.

7. The impugned order, therefore, does not call for any interference. The petition is accordingly dismissed. The time for implementation of the impugned order of the CAT is now extended by twelve weeks from today.

S. MURALIDHAR, J.

TALWANT SINGH, J.

JANUARY 09, 2020

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